

CHAPTER 78

FUR-BEARING ANIMALS

S. F. 58

AN ACT to amend section one hundred nine point eighty-seven (109.87), and repeal section one hundred nine point ninety-three* (109.93), Code 1946, relating to open seasons on fur-bearing animals, and providing for an open season on beaver.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred nine point eighty-seven (109.87),
 2 Code 1946, is amended by striking all of lines twenty-three (23) to
 3 thirty-two (32) inclusive and inserting in lieu thereof the following:
 4 "8. Beaver November 10 to January 10.
 5 Such open season on beaver, badger, mink, raccoon, skunk, opossum,
 6 civet cat, and muskrat to begin at noon on the first day thereof.
 7 9. Red fox or gray fox Continuous open season.
 8 10. Weasel Continuous open season.
 9 11. Ground hog Continuous open season.
 10 12. Wolf, coyote Continuous open season.
 11 13. Otter Continuous closed season."

1 SEC. 2. Further amend section one hundred nine point eighty-
 2 seven (109.87), Code 1946, by adding after line thirty-two (32) the
 3 following: "Taking or attempting to take beaver on private
 4 lands or waters without permission of the owner or tenant shall
 5 constitute a misdemeanor punishable as provided in section one
 6 hundred nine point thirty-two (109.32)."

1 SEC. 3. Section one hundred nine point ninety-three* (109.93),
 2 Code 1946 is hereby repealed.

Approved March 22, 1949.

*Words supplied by code editor, see §3.1 of the Code.

CHAPTER 79

POLLUTION OF STREAMS AND LAKES

H. F. 4

AN ACT to repeal sections one hundred thirty-five point eighteen (135.18), to one hundred thirty-five point twenty-nine (135.29), inclusive, Code 1946, and to enact substitutes therefor, relating to the public health, the pollution of streams and waters and the prevention of such pollution of streams and bodies of water by the department of health; adding provisions relating to sewerage systems and permits for the installation of or change in such systems and the powers and duties of the state department of health in relation thereto; to prevent the discharge of treated or untreated sewerage or waste into state owned lakes; to provide a method of appeal by persons aggrieved and to provide penalties for the violation of any provisions of this Act.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Sections one hundred thirty-five point eighteen
 2 (135.18), to one hundred thirty-five point twenty-nine (135.29), in-

3 clusive, Code 1946, are repealed and the following enacted in lieu
4 thereof:

5 Par. 1. The department may, upon its own initiative, study, in-
6 vestigate, or survey any stream, lake, or other body of water within
7 the state and bordering on the state, and may determine ways and
8 means of eliminating, so far as practicable, and necessary, in light
9 of the use to which the water is being, or may be, put, all substances
10 and materials which are rendering the water detrimental to the
11 public health, or unwholesome, or unfit for domestic use or as a public
12 water supply, or deleterious to the health of animals, fish, or aquatic
13 life, or detrimental to the practicable use of the water for recrea-
14 tional purposes, and may determine methods, so far as practicable,
15 and necessary in the light of the use to which the water is being, or
16 may be, put, of controlling the extent of such pollution of said
17 waters. The department shall make such investigations upon the
18 written petition of:

- 19 a. The council of any city or town.
- 20 b. The local board of health.
- 21 c. The trustees of any township.
- 22 d. Twenty-five residents of the state.
- 23 e. Any state agency or agencies.

24 The power vested by this section in the department shall not apply
25 for a period of two (2) years to the lower five thousand feet of any
26 stream flowing into a river at a place where such river forms a part
27 of the boundary line of the state.

28 Par. 2. Whenever such complaint of pollution of any of the afore-
29 said waters is filed with the department, or whenever it acts upon
30 its own initiative, it shall make a full and complete investigation
31 which may include such engineering studies, bacteriological, bio-
32 logical, and chemical analyses of the water and location of the sources
33 of contamination as may be found necessary, and, if the pollution
34 taking into account the use to which the water is being, or may be,
35 put, is found to exist, the department shall make an order fixing the
36 time and place for a hearing which shall be not less than ten days
37 thereafter. Such hearing shall be public and shall be conducted, so
38 far as possible, in the same manner as a court hearing, and every
39 alleged offender shall have the right to appear by counsel, present
40 testimony, and examine witnesses.

41 Par. 3. Notice of the time and place of hearing shall be served
42 upon each alleged offender at least ten days before said hearing in
43 the manner required for the service of notice of the commencement
44 of an ordinary action in a court of record.

45 Par. 4. After such hearing the department may, if it believes
46 the alleged offender is guilty of the charges, enter an order directing
47 such person to desist in the practice found to be the cause of such
48 pollution or corruption, taking into account the use to which the
49 water is being, or may be, put, or it may order a change in the method
50 of passing waste materials into the water so that the same will be
51 rendered innocuous and harmless.

52 Par. 5. No order shall be issued under the provisions of para-
53 graph four (4) of this act without the written approval of a major-
54 ity of the members of the Iowa natural resources council.

55 Par. 6. If any such change is ordered, unless such practice is ren-
56 dering such water dangerous to the public health, a reasonable time
57 shall be granted to the offender in which to put in use the method
58 ordered.

59 Par. 7. The department shall keep a complete record of such
60 proceeding, including all the evidence taken, and such record shall
61 be open to public inspection.

62 Par. 8. An appeal may be taken by the aggrieved party from any
63 order entered in such proceeding to the district court of the county
64 in which the alleged offense was committed. Such appeal shall be
65 perfected by serving a written notice on the commissioner of public
66 health within thirty days of the entry of such order. The hearing
67 on appeal shall be tried as a suit in equity and shall be de novo. The
68 court may receive additional testimony and may affirm, modify, or
69 reverse any such order. The setting aside of any such order of the
70 department by the court upon any such appeal shall not prevent or
71 preclude said department from again instituting proceedings against
72 the same person, firm, corporation or municipality when in its
73 opinion the public health is endangered.

74 Par. 9. Within thirty days after an application for an appeal is
75 filed with the commissioner, he shall make, certify, and file in the
76 office of the clerk of the court to which the appeal is taken, a full
77 and complete transcript of all documents and papers relating to the
78 case.

79 Par. 10. The first term after the appeal is taken shall be the trial
80 term, and if the appeal is taken during a pending term, it shall be
81 triable during such term at any time after ten days from the date
82 that the transcript is filed by the commissioner. The hearing on
83 appeal shall be tried as a suit in equity and shall be de novo.

84 Par. 11. Failure to obey any order made by the department with
85 reference to matters pertaining to the pollution of streams shall con-
86 stitute prima facie evidence of contempt. In such event the depart-
87 ment may certify to the district court of the county in which such
88 disobedience shall occur, or to the district court of Polk county, the
89 fact of such failure. The district court shall then proceed to hear
90 and determine the matter and, if the order be found to be reasonable
91 and lawful, to punish for contempt to the same extent as though
92 such failure were in connection with an order made by the district
93 court which is made punishable by contempt.

94 Par. 12. Any person, firm, or corporation, or any officer or agent
95 thereof, found guilty of contempt under paragraph eleven (11) of
96 this act shall be fined in a sum not to exceed one thousand dollars
97 (\$1000.00). The penalties provided in this paragraph shall be con-
98 sidered as additional to any penalty which may be imposed under
99 the law relative to nuisances or any other statute relating to the

100 pollution of streams or other bodies of water, and a conviction under
101 paragraph eleven (11) of this act shall not be a bar to prosecution
102 under any other penal statute.

103 Par. 13. No sewerage system which proposes to discharge into
104 any of the waters specified in paragraph one (1) of this act, sewage or
105 any other liquid or solid substance of a decomposable, putrescible,
106 oily, acid, or other character which may cause pollution of any of the
107 aforesaid waters of the state, shall be installed until a written permit
108 for such sewerage system has been granted by the department. No
109 changes, additions to, or extensions of any existing sewerage sys-
110 tems discharging into any of the aforesaid waters, including changes
111 of or additions to or extensions of the method of treating or dispos-
112 ing of the sewage, and no extension of or addition to any factory,
113 manufacturing establishment, or business enterprise, the operation
114 of which will substantially increase the amount of polluting material,
115 shall be made until plans for such changes, additions, or extensions
116 shall have been submitted to and a written permit obtained from
117 the department.

118 Par. 14. Plans and specifications for any sewerage system cov-
119 ered by paragraph thirteen (13) of this act shall be submitted to
120 the department before a written permit may be issued, and the con-
121 struction of any such sewerage system shall be in accordance with
122 said plans and specifications as approved by the department. In
123 case it shall be necessary or desirable to make material changes in
124 such plans or specifications, revised plans or specifications together
125 with reasons for the proposed changes will be submitted to the
126 department for a supplemental written permit.

127 Par. 15. The department may require any owner of a sewerage
128 system discharging into any of the aforesaid waters to file with it
129 complete plans of the whole or of any part of such system and any
130 other information and records concerning the installation and oper-
131 ation of such system.

132 Par. 16. The department shall have the right to establish pro-
133 cedure for the review of any reports, plans, specifications, or other
134 data relative to any sewerage system, written permits for which are
135 required by this act, and may make use of such assistance for such
136 review as existing boards, commissions, and departments of the
137 state may be able to render.

138 Par. 17. The department is empowered to adopt and enforce
139 rules and regulations governing the method and manner under which
140 plans, specifications, or other data relative thereto shall be submitted
141 for sewerage systems or for additions or changes to or extensions
142 of such systems.

143 Par. 18. No sewage or any other waste liquid or solid substance
144 of a decomposable, putrescible, oily, chemical, or other character
145 whether treated or untreated shall be discharged directly into any
146 state owned natural or artificial lake, provided, that this paragraph
147 shall not be construed as to prohibit the discharge of adequately

148 treated sewage or wastes into a stream tributary to a lake upon the
 149 written permission of the state department of health and the state
 150 conservation commission.

Approved April 1, 1949.

CHAPTER 80

PRACTICE OF CHIROPODY

S. F. 306

AN ACT to amend chapters one hundred forty-seven (147), one hundred forty-eight (148), and one hundred forty-nine (149), Code 1946, relating to the practice of podiatry in the state of Iowa; to change the name from podiatry to chiropody wherever the same appears therein; and the name of the practitioners from podiatrist to chiropodist; to strike sub-section four (4) of section one hundred forty-nine point three (149.3), Code 1946; to substitute the word four in place of the word three in sub-section two (2) of section one hundred forty-nine point four (149.4), Code 1946; and providing for itinerant chiropodist; and providing for an educational program, or clinic, or its equivalent.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred forty-seven (147), Code 1946, is
 2 hereby amended by striking the word podiatry wherever the same
 3 appears therein, and inserting in lieu thereof, the word chiropody.

1 SEC. 2. Chapter one hundred forty-seven (147), Code 1946, is
 2 hereby amended by striking the word podiatrist wherever the same
 3 appears, therein, and inserting in lieu thereof, the word chiropodist.

1 SEC. 3. Section one hundred forty-seven point seventy-five
 2 (147.75), Code 1946, is hereby amended by striking the word "or"
 3 in the third line thereof, and inserting after the words "itinerant
 4 cosmetologist" in the third line thereof, the following: "or itinerant
 5 chiropodist".

1 SEC. 4. Section one hundred forty-seven point seventy-five
 2 (147.75), Code 1946, is hereby amended by striking the word "or" in
 3 the seventh line thereof, and inserting after the comma in the eighth
 4 line thereof, the following words: "or chiropody".

1 SEC. 5. Section one hundred forty-seven point seventy-six
 2 (147.76), Code 1946, is hereby amended by striking out the word
 3 "or" in the third line thereof, and inserting after the word "cosme-
 4 tologist" in the fourth line thereof, the words "or itinerant
 5 chiropodist".

1 SEC. 6. Section one hundred forty-seven point seventy-seven
 2 (147.77), Code 1946, is hereby amended by striking out the word
 3 "or" in the fourth line thereof, and inserting before the word "for"
 4 in the fifth line thereof, the following: "or licensed chiropodist".
 5 Also amend said section by inserting the words "itinerant chirop-
 6 odist", before the word "or" in the twelfth line thereof.

1 SEC. 7. Section one hundred forty-seven point seventy-eight
 2 (147.78), Code 1946, is hereby amended by inserting after the word
 3 "surgeon," in the fourth line thereof, the word "chiropodist,".