

**CHAPTER 146**  
**AGRICULTURAL AREAS**  
*S.F. 11*

**AN ACT** relating to agricultural areas.

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

Section 1. Section 352.2, subsection 6, Code 1993, is amended to read as follows:

6. "Farm operation" means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Sec. 2. Section 352.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. "Livestock" means the same as defined in section 267.1.

Sec. 3. Section 352.6, unnumbered paragraph 1, Code 1993, is amended to read as follows:

An owner of farmland may submit a proposal to the county board for the creation or expansion of an agricultural area within the county. An agricultural area, at its creation, shall include at least ~~five~~ three hundred acres of farmland, however, a smaller area may be created if the farmland is adjacent to farmland subject to an agricultural land preservation ordinance pursuant to section 335.27 or adjacent to land located within an existing agricultural area. The proposal shall include a description of the proposed area to be created or expanded, including its boundaries. The territory shall be as compact and as nearly adjacent as feasible. Land shall not be included in an agricultural area without the consent of the owner. Agricultural areas shall not exist within the corporate limits of ~~the~~ a city. The county board may consult with the department of natural resources when creating or expanding an agricultural area contiguous to a location which is under the direct supervision of the department, including a state park, state preserve, state recreation area, or sovereign lake. Agricultural areas may be created in a county which has adopted zoning ordinances. Except as provided in this section, the use of the land in agricultural areas is limited to farm operations.

Sec. 4. Section 352.7, subsection 1, Code 1993, is amended to read as follows:

1. Within thirty days of receipt of a proposal ~~for~~ to create or expand an agricultural area which meets the statutory requirements, the county board shall provide notice of the proposal by publishing notice in a newspaper of general circulation in the county. Within forty-five days after receipt of the proposal, the county board shall hold a public hearing on the proposal.

Sec. 5. Section 352.8, Code 1993, is amended to read as follows:

**352.8 REQUIREMENT THAT DESCRIPTION OF AGRICULTURAL AREAS BE FILED WITH THE COUNTY AUDITOR AND COUNTY RECORDER.**

Upon the creation or expansion of an agricultural area, its description shall be filed by the county board with the county auditor and placed on record ~~in~~ with the office of the recording officer in the county recorder.

Sec. 6. Section 352.9, unnumbered paragraph 2, Code 1993, is amended to read as follows:

The board shall cause the description of that agricultural area filed with the county auditor and ~~recorded with recording officer~~ in the county ~~recorder~~ to be modified to reflect any withdrawal. Withdrawal shall be effective on the date of recording. The agricultural area from which the land is withdrawn shall continue in existence even if smaller than ~~five~~ three hundred acres after withdrawal.

Sec. 7. Section 352.11, subsection 1, Code 1993, is amended to read as follows:

1. NUISANCE RESTRICTION.

a. A farm or farm operation located in an agricultural area shall not be found to be a nuisance regardless of the established date of operation or expansion of the agricultural activities of the farm or farm operation. The subsection This paragraph shall apply to a farm operation conducted within an agricultural area for six years following the exclusion of land within an agricultural area other than by withdrawal as provided in section 352.9.

b. Paragraph "a" does not apply to a nuisance which is the result of a farm operation determined to be in violation of a federal statute or regulation or state statute or rule. Paragraph "a" does not apply if the nuisance results from the negligent operation of the farm or farm operation. This subsection Paragraph "a" does not apply to actions or proceedings arising from injury or damage to a person or property caused by the farm or a farm operation before the creation of the agricultural area. This subsection Paragraph "a" does not affect or defeat the right of a person to recover damages for an injury or damage sustained by the person because of the pollution or change in condition of the waters of a stream, the overflowing of the person's land, or excessive soil erosion onto another person's land, unless the injury or damage is caused by an act of God.

c. A person shall not bring an action or proceeding based on a claim of nuisance arising from a farm operation unless the person proceeds with mediation as provided in chapter 654B.

d. If a defendant is a prevailing party in an action or proceeding based on a claim of nuisance and arising from a farm operation conducted on farmland within an agricultural area, the plaintiff shall pay court costs and reasonable attorney fees incurred by the defendant, if the court determines that the claim is frivolous.

Approved May 20, 1993

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**CHAPTER 147**  
CITY CIVIL SERVICE  
*S.F. 163*

**AN ACT** relating to abolition of certain civil service commissions, use of electronic voice recording devices at civil service meetings, and relating to qualifications and requirements for appointment, promotion, or employment in positions governed by civil service.

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

Section 1. Section 400.5, Code 1993, is amended to read as follows:

400.5 ROOMS AND SUPPLIES.

The council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment and a qualified shorthand reporter or an electronic voice recording device to enable it to properly to perform its duties.

Sec. 2. Section 400.8, subsection 1, Code 1993, is amended to read as follows:

1. The commission, when necessary under the rules, including minimum and maximum age limits, which shall be prescribed and published in advance by the commission and posted in the city hall, shall hold examinations for the purpose of determining the qualifications of applicants for positions under civil service, other than promotions, which examinations shall be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. ~~However, the~~ The physical examination of applicants for appointment to the positions of police officer, police matron, or fire fighter shall be held under the direction of and