

CHAPTER 1077ACTIONS TO ABATE NUISANCES —
ELECTRIC UTILITIES — COMPARATIVE FAULT

H.F. 2397

AN ACT relating to the act or property of a public utility with respect to the definition of nuisance.

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

Section 1. Section 657.1, Code 2003, is amended to read as follows:

657.1 NUISANCE — WHAT CONSTITUTES — ACTION TO ABATE.

1. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to ~~unreasonably~~ interfere ~~unreasonably~~ with the comfortable enjoyment of life or property, is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the same nuisance and to recover damages sustained on account thereof ~~of the nuisance~~.

2. Notwithstanding subsection 1, in an action to abate a nuisance against an electric utility, an electric utility may assert a defense of comparative fault as set out in section 668.3 if the electric utility demonstrates that in the course of providing electric services to its customers that it has complied with engineering and safety standards as adopted by the utilities board of the department of commerce, and if the electric utility has secured all permits and approvals, as required by state law and local ordinances, necessary to perform activities alleged to constitute a nuisance.

Approved April 14, 2004

CHAPTER 1078ENVIRONMENTAL REGULATION — RECYCLED OIL
AND REFUSE-DERIVED FUEL

H.F. 2517

AN ACT relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

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

Section 1. Section 455B.306, subsection 3, Code 2003, is amended to read as follows:

3. A city or county required to file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents and which seeks approval of the inclusion of refuse-derived fuel as a component of its percentage of waste reduction, shall file an annual report with the director regarding the percentage of reduction attributable to refuse-derived fuel and the justification for such inclusion. The director shall approve or reject the inclusion. The percentage of reduction attributable to refuse-