

Senate Amendment 5207

Amendment Text

PAG LIN

1 1 Amend [Senate File 2037](#) as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 "Section 1. Section [335.2](#), Code 1995, is amended
1 5 to read as follows:
1 6 335.2

~~FARMS~~

~~AGRICULTURAL USES EXEMPT.~~

1 7 1. As used in this section:
1 8 a. "Animal feeding operation" means a lot, yard,
1 9 corral, building, or other area in which animals are
1 10 confined and fed and maintained for forty-five days or
1 11 more in any twelve-month period, and all structures
1 12 used for the storage of manure from animals in the
1 13 operation. Two or more animal feeding operations
1 14 under common ownership or management are deemed to be
1 15 a single animal feeding operation if they are adjacent
1 16 or utilize a common system for manure storage. An
1 17 animal feeding operation does not include a livestock
1 18 market.
1 19 b. "Agricultural purpose" means any use connected
1 20 or related to farming.
1 21 c. "Confinement feeding operation" means an animal
1 22 feeding operation in which animals are confined to
1 23 areas which are totally roofed.
1 24 d. "Farming" means the same as defined in section
1 25 9H.1.
1 26 2. Except

~~to the extent required to implement~~

~~1 27~~

~~section 335.27, no~~

~~as provided in this section, an~~
1 28 ordinance adopted under this chapter

~~applies~~

~~shall not~~
1 29 apply to land,

~~farm~~

~~including houses,~~

~~farm~~

~~barns,~~

~~farm~~

~~1 30 outbuildings or other buildings or structures located~~
1 31 on the land, which

~~are~~

~~is~~ primarily adapted, by reason
1 32 of nature and area, for

~~use for~~
- an agricultural
1 33

~~purposes~~
- purpose, while so used.

~~However, the~~
-
1 34

~~ordinances may apply to any~~
-

1 35 3. If the owner of the farming operation is
1 36 engaged in a confinement feeding operation, the
1 37 farming operation must include a sufficient number of
1 38 acres to be capable of feeding at least twenty percent
1 39 of all animals confined in the confinement feeding
1 40 operation at any time, as determined by the county
1 41 board of supervisors in the county where the farming
1 42 operation is located. The feed must originate on land
1 43 located not more than fifty miles from the site of the
1 44 confinement feeding operation. In determining whether
1 45 the farming operation is capable of feeding the
1 46 animals, the county board of supervisors may provide
1 47 that the confinement feeding operation is not required
1 48 to satisfy the requirement of this subsection, if the
1 49 confinement feeding operation meets any one of the
1 50 following criteria:

2 1 a. Has an animal weight capacity of two hundred
2 2 thousand pounds or less for animals other than bovine,
2 3 or four hundred thousand pounds or less for bovine.
2 4 The animal weight capacity shall be the product of
2 5 multiplying the maximum number of animals confined in
2 6 the confinement feeding operation at any one time by
2 7 the average weight during a production cycle.

2 8 b. Is operated for experimental purposes by Iowa
2 9 state university's cooperative extension service in
2 10 agriculture and home economics, or by a 4-H or future
2 11 farmers of America organization.

2 12 c. Is owned and operated by a person who is
2 13 related as spouse, parent, grandparent, lineal
2 14 ascendant of a grandparent or spouse, or lineal
2 15 descendant of a grandparent or spouse to a person
2 16 engaged in farming who owns enough acres of land to
2 17 satisfy the requirement of this subsection.

2 18 4. This section shall not apply to either of the
2 19 following:

2 20 a. An ordinance required to implement an
2 21 agricultural preservation ordinance, as provided in
2 22 section 335.27.

2 23 b. A structure, building, dam, obstruction,
2 24 deposit or excavation in or on the flood plains of

~~any~~
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2 25 a river or stream."

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2 29 JIM LIND

2 30 SF 2037.3

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