

R. 1.

20 Page 2/27 (p 613)

FEB 12 1981

HOUSE FILE 371

BY ANDERSON of Audubon

CITIES

Passed House, Date 3-12-81 (p 740) Passed Senate, Date _____
Vote: Ayes 80 Nays 15 Vote: Ayes _____ Nays _____
Approved April 28, 1981

A BILL FOR

1 An Act relating to the prohibition of open burning under
2 certain conditions and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 371

H-3204

1 Amend House File 371 as follows:
2 1. Page 1, line 8, by inserting after the word
3 "department" the words ", a city council or a board
4 of supervisors".
5 2. Page 1, line 12, by inserting after the word
6 "department" the words ", the city council or the
7 board of supervisors that requested the prohibition".
8 3. Page 1, line 14, by inserting after the word
9 "chief" the words ", city council or board of
10 supervisors".

H-3204 FILED MARCH 3, 1981 BY SPEAR of Lee
Adopted 3/12 (p 740)

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1 Section 1. Chapter 100, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION.

4 1. The state fire marshal, during periods of extremely
5 dry conditions or under other conditions when the state fire
6 marshal finds open burning constitutes a danger to life or
7 property, may prohibit open burning in an area of the state
8 at the request of the chief of a local fire department and
9 when an investigation supports the need for the prohibition.
10 The state fire marshal shall implement the prohibition by
11 issuing a proclamation to persons in the affected area. The
12 chief of a local fire department may rescind the proclamation
13 after notifying the state fire marshal of the intent to do
14 so, when the chief finds that the conditions responsible for
15 the issuance of the proclamation no longer exist.

16 2. Violation of a prohibition issued under this section
17 is a simple misdemeanor.

18 3. This section does not give the state fire marshal the
19 authority to prohibit the use of outdoor fireplaces, barbe-
20 que grills, properly supervised dumping grounds, or the burning
21 of trash in incinerators or trash burners made of metal, con-
22 crete, masonry, or heavy one-inch wire mesh, with no openings
23 greater than one square inch.

24 EXPLANATION

25 This bill allows the state fire marshal, under certain
26 conditions, to issue a proclamation at the request of the
27 chief of a local fire department prohibiting open burning
28 in a designated area of the state. Violation of the
29 proclamation is a simple misdemeanor. The bill is effective
30 July 1 following enactment.

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Sen. State Court 3/18/81
Do Pass 46 (p. 1123)

HOUSE FILE 371

BY ANDERSON of Audubon

Passed House, Date 3-12-81 (p. 740) Passed Senate, Date 4-15-81 (p. 1283)
Vote: Ayes 88 Nays 15 Vote: Ayes 45 Nays 5
Approved April 28, 1981

A BILL FOR

1 An Act relating to the prohibition of open burning under
2 certain conditions and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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_____ House Amendments

1 Section 1. Chapter 100, Code 1981, is amended by adding
2 the following new section:

3 NEW SECTION.

4 1. The state fire marshal, during periods of extremely
5 dry conditions or under other conditions when the state fire
6 marshal finds open burning constitutes a danger to life or
7 property, may prohibit open burning in an area of the state
8 at the request of the chief of a local fire department, a
9 city council or a board of supervisors and when an
10 investigation supports the need for the prohibition. The
11 state fire marshal shall implement the prohibition by issuing
12 a proclamation to persons in the affected area. The chief
13 of a local fire department, the city council or the board
14 of supervisors that requested the prohibition may rescind
15 the proclamation after notifying the state fire marshal of
16 the intent to do so, when the chief, city council or board
17 of supervisors finds that the conditions responsible for the
18 issuance of the proclamation no longer exist.

19 2. Violation of a prohibition issued under this section
20 is a simple misdemeanor.

21 3. This section does not give the state fire marshal the
22 authority to prohibit the use of outdoor fireplaces, barbe-
23 que grills, properly supervised dumping grounds, or the burning
24 of trash in incinerators or trash burners made of metal, con-
25 crete, masonry, or heavy one-inch wire mesh, with no openings
26 greater than one square inch.

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of trash in incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

HOUSE FILE 371

AN ACT
RELATING TO THE PROHIBITION OF OPEN BURNING UNDER CERTAIN CON-
DITIONS AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter 100, Code 1981, is amended by adding the following new section:

NEW SECTION.

1. The state fire marshal, during periods of extremely dry conditions or under other conditions when the state fire marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the state at the request of the chief of a local fire department, a city council or a board of supervisors and when an investigation supports the need for the prohibition. The state fire marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the state fire marshal of the intent to do so, when the chief, city council or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.

2. Violation of a prohibition issued under this section is a simple misdemeanor.

3. This section does not give the state fire marshal the authority to prohibit the use of outdoor fireplaces, barbecue grills, properly supervised dumping grounds, or the burning

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 371, Sixty-ninth General Assembly.

PAT H. HARPER
Chief Clerk of the House

Approved April 28, 1981

ROBERT D. RAY
Governor