

MAR 14 1995

Agriculture

HOUSE FILE 407
BY MUNDIE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to farm operations within agricultural areas.

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

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 407

1 Section 1. Section 352.2, subsection 6, Code 1995, is
2 amended to read as follows:

3 6. "Farm operation" means a condition or activity which
4 occurs on a farm in connection with the production of farm
5 products and includes but is not limited to the raising,
6 harvesting, drying, or storage of crops; the care or feeding
7 of livestock; the handling or transportation of crops or
8 livestock; ~~the treatment or disposal of wastes resulting from~~
9 ~~livestock~~; the marketing of products at roadside stands or
10 farm markets; the creation of noise, odor, dust, or fumes; the
11 operation of machinery and irrigation pumps; ground and aerial
12 seeding and spraying; the application of chemical fertilizers,
13 conditioners, insecticides, pesticides, and herbicides; and
14 the employment and use of labor. A farm operation includes
15 the storage, stabilization, treatment, or disposal of wastes
16 resulting from livestock. However, a farm operation does not
17 include the disposal of waste, including industrial or
18 municipal waste or wastewater, which originates from a source,
19 such as a treatment works as defined in section 455B.171,
20 which is not connected to the farm.

21 EXPLANATION

22 This bill amends chapter 352 which in part provides for the
23 establishment of agricultural areas. An agricultural area is
24 generally reserved for farm operations. With a few
25 exceptions, nuisance suits cannot be brought against a farm
26 operation located in an agricultural area. Section 352.2
27 defines a farm operation to mean a condition or activity which
28 occurs on a farm in connection with the production of farm
29 products, including but not limited to the treatment or
30 disposal of wastes resulting from livestock. This bill
31 provides that a farm operation does not include the disposal
32 of waste, including industrial or municipal waste or
33 wastewater which originates from a source, such as a treatment
34 works, which is not connected to the farm. A treatment works
35 is defined in section 455B.171 to mean any plant, disposal

1 field, lagoon, holding or flow-regulating basin, pumping
2 station, or other works installed for the purpose of treating,
3 stabilizing or disposing of sewage, industrial waste, or other
4 wastes.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35