

SENATE FILE 2242  
BY IVERSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to claims for nuisance arising out of an animal  
2 feeding operation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2242

1 Section 1. Section 657.11, subsections 2 through 7, Code  
2 Supplement 1995, are amended to read as follows:

3 2. ~~If a person has received all permits required pursuant~~  
4 ~~to chapter 455B for an animal feeding operation, as defined in~~  
5 ~~section 455B:161, there~~ There shall be a rebuttable  
6 presumption that an animal feeding operation is not a public  
7 or private nuisance under this chapter or under principles of  
8 common law, ~~and that the animal feeding operation does not~~  
9 ~~unreasonably and continuously interfere with another person's~~  
10 ~~comfortable use and enjoyment of the person's life or property~~  
11 ~~under any other cause of action. The rebuttable presumption~~  
12 ~~also applies to persons who are not required to obtain a~~  
13 ~~permit pursuant to chapter 455B for an animal feeding~~  
14 ~~operation as defined in section 455B:161.~~ The rebuttable  
15 presumption shall not apply if the injury to a person or  
16 damage to property is proximately caused by a failure to  
17 comply with a federal statute or regulation or a state statute  
18 or rule which applies to the animal feeding operation.

19 3. The rebuttable presumption may be overcome by clear and  
20 convincing evidence ~~of both of the following:~~

21 a. ~~The animal feeding operation unreasonably and~~  
22 ~~continuously interferes with another person's comfortable use~~  
23 ~~and enjoyment of the person's life or property.~~

24 b. ~~The~~ that an injury to a person or damage to property is  
25 proximately caused by the negligent operation of the animal  
26 feeding operation.

27 4. 3. The rebuttable presumption created by this section  
28 shall apply regardless of the established date of operation or  
29 expansion of the animal feeding operation. The rebuttable  
30 presumption includes, but is not ~~limited~~ to, a defense for  
31 actions arising out of the care and feeding of animals; the  
32 handling or transportation of animals; the treatment or  
33 disposal of manure resulting from animals; the transportation  
34 and application of animal manure; and the creation of noise,  
35 odor, dust, or fumes arising from an animal feeding operation.

