

LOCAL GOVERNMENT

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FILED FEB 26 '01

SENATE FILE 289

BY FLYNN

(COMPANION TO 2601HH BY MERTZ)

Passed Senate, <sup>(P. 922)</sup> Date 4-2-01 Passed House, Date \_\_\_\_\_  
 Vote: Ayes 29 Nays 19 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to open burn notifications and providing a  
2 penalty.

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

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SF 289 LOCAL GOVERNMENT

1 Section 1. NEW SECTION. 101B.1 NOTICE REQUIRED.

2 A person shall not kindle or burn any building or other  
3 structure, farmland whether actively farmed or not, pasture,  
4 woodland, or rural ground without providing the local fire  
5 department with notification at least one day prior to the  
6 kindle or burn.

7 Sec. 2. NEW SECTION. 101B.2 EXCEPTIONS.

8 1. This chapter shall not apply to the use of outdoor fire  
9 for cooking or recreation, burning of normal yard waste,  
10 training fires, or disaster waste fires. This subsection  
11 shall not apply to the cities of Cedar Rapids, Marion,  
12 Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des  
13 Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill,  
14 except for training fires and disaster waste fires.

15 2. This chapter shall not apply if burning normal yard  
16 waste is enclosed in an incinerator or a large container.

17 3. This chapter shall not apply to a location which is  
18 under an open burn prohibition imposed by the state fire  
19 marshal pursuant to section 100.40.

20 Sec. 3. NEW SECTION. 101B.3 PENALTY.

21 A person violating a provision of this chapter commits a  
22 simple misdemeanor.

23 EXPLANATION

24 This bill provides that a person shall not kindle or burn  
25 any building or other structure, farmland whether actively  
26 farmed or not, pasture, woodland, or rural ground without  
27 providing the local fire department with notification at least  
28 one day prior to the kindle or burn.

29 The bill provides that the notification requirement does  
30 not apply to the use of outdoor fire for cooking or  
31 recreation, burning of normal yard waste, training fires, or  
32 disaster waste fires, except for in certain cities; if burning  
33 normal yard waste is enclosed in an incinerator or a large  
34 container; or to a location which is under an open burn  
35 prohibition imposed by the state fire marshal.

1 The bill provides that a person violating the notification  
2 requirements commits a simple misdemeanor. A simple  
3 misdemeanor is punishable by confinement for no more than 30  
4 days or a fine of at least \$50 but not more than \$500, or by  
5 both fine and imprisonment.

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**SENATE FILE 289**

**S-3175**

- 1 Amend Senate File 289 as follows:
- 2 1. Page 1, line 5, by striking the words "at
- 3 least one day".
- 4 2. Page 1, by striking lines 8 through 16.
- 5 3. Page 1, line 17, by striking the figure "3."

By COMMITTEE ON LOCAL GOVERNMENT  
DAVID MILLER, CHAIRPERSON

*4/2/01 adopted (p.922)*

**S-3175 FILED MARCH 8, 2001**

**SENATE FILE 289**

**S-3225**

- 1 Amend the amendment, S-3175, to Senate File 289 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, line 1, by striking the figure
- 6 "101B.I", and inserting the following: "100,46"."
- 7 2. Page 1, by inserting after line 3 the
- 8 following:
- 9 "\_\_\_\_\_. Page 1, by striking line 7."
- 10 3. By striking page 1, line 5, and inserting the
- 11 following:
- 12 "\_\_\_\_\_. Page 1, line 17, by striking the word and
- 13 figure "3. This chapter" and inserting "2. This
- 14 section"."
- 15 4. Page 1, by inserting after line 5 the
- 16 following:
- 17 "\_\_\_\_\_. Page 1, by striking lines 20 and 21 and
- 18 inserting the following:
- 19 "3. A person violating a provision of this section
- 20 commits a"."

By MERLIN E. BARTZ

*Adopted 4/2/01 (p.922)*

**S-3225 FILED MARCH 22, 2001**

**SENATE FILE 289**

**S-3252**

- 1 Amend Senate File 289 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "burn." the following: "This notification requirement
- 4 shall not apply if any local ordinance governing the
- 5 same subject matter is adopted."

*Adopted 4/2/01 (p.922)*

By MAGGIE TINSMAN

**S-3252 FILED MARCH 27, 2001**

SENATE FILE 289  
BY FLYNN

(COMPANION TO 2601HH BY MERTZ)

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 2001)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, <sup>(P. 922)</sup> Date 4-2-01 Passed House, Date \_\_\_\_\_  
 Vote: Ayes 29 Nays 19 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
 Approved \_\_\_\_\_

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1 An Act relating to open burn notifications and providing a  
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S.F. 289

1 Section 1. NEW SECTION. 100.46 NOTICE REQUIRED.

2 A person shall not kindle or burn any building or other  
3 structure, farmland whether actively farmed or not, pasture,  
4 woodland, or rural ground without providing the local fire  
\*5 department with notification prior to the kindle or burn.

6 This notification requirement shall not apply if any local  
7 ordinance governing the same subject matter is adopted.

\*8 1. This section shall not apply to a location which is  
9 under an open burn prohibition imposed by the state fire  
10 marshal pursuant to section 100.40.

11 2. A person violating a provision of this section commits  
12 a simple misdemeanor.

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