

FILED JAN 27 2005

SENATE FILE
BY BOLKCOM

82

LOCAL GOVERNMENT

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

A BILL FOR

1 An Act restricting the application of pesticides and fertilizers
2 in cities and providing a penalty.

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

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SF 82

LOCAL GOVERNMENT

1 Section 1. Section 200.18, subsection 2, Code 2005, is
2 amended to read as follows:

3 2. A person violating this chapter, other than section
4 200.23, or rules adopted by the secretary pursuant to this
5 chapter shall be guilty of a simple misdemeanor. However, a
6 person who tampers with, possesses, or transports anhydrous
7 ammonia or anhydrous ammonia equipment commits a serious
8 misdemeanor under section 124.401F.

9 Sec. 2. NEW SECTION. 200.23 MUNICIPAL FERTILIZER
10 APPLICATION.

11 1. A person shall not apply a fertilizer to property which
12 meets all of the following criteria:

- 13 a. The property is located in a city.
- 14 b. The property is within twenty-five feet of any creek,
15 stream, river, drainage ditch, pond, or lake in this state.

16 2. A person who violates a provision of this section is
17 subject to a civil penalty of five hundred dollars for each
18 violation.

19 3. This section shall not apply to the application of a
20 fertilizer to property which is agricultural land that is
21 principally used for farming as those terms are defined in
22 section 9H.1.

23 Sec. 3. Section 206.22, subsection 2, Code 2005, is
24 amended to read as follows:

25 2. Any person violating any provision of this chapter
26 other than section 206.11, subsection 1, paragraph "a", or
27 section 206.26, shall be guilty of a serious misdemeanor;
28 provided, that any offense committed more than five years
29 after a previous conviction shall be considered a first
30 offense; and provided, further, that in any case where a
31 registrant was issued a warning by the secretary pursuant to
32 the provisions of this chapter, such registrant shall upon
33 conviction of a violation of any provision of this chapter
34 other than section 206.11, subsection 1, paragraph "a", or
35 section 206.26, be guilty of a serious misdemeanor; and the

1 registration of the article with reference to which the
2 violation occurred shall terminate automatically. An article,
3 the registration of which has been terminated, may shall not
4 again be registered unless the article, its labeling, and
5 other material required to be submitted appear to the
6 secretary to comply with all the requirements of this chapter.

7 Sec. 4. NEW SECTION. 206.26 MUNICIPAL PESTICIDE
8 APPLICATION.

9 1. A person shall not apply a pesticide to property which
10 meets all of the following criteria:

11 a. The property is located in a city.

12 b. The property is within twenty-five feet of any creek,
13 stream, river, drainage ditch, pond, or lake in this state.

14 2. A person who violates a provision of this section is
15 subject to a civil penalty of five hundred dollars for each
16 violation.

17 3. This section shall not apply to the application of a
18 pesticide to property which is agricultural land that is
19 principally used for farming as those terms are defined in
20 section 9H.1.

21 EXPLANATION

22 This bill prohibits the application of a pesticide or
23 fertilizer to property which is located in a city and which is
24 within 25 feet of any creek, stream, river, drainage ditch,
25 pond, or lake in the state. The bill provides that a person
26 who violates this prohibition is subject to a civil penalty of
27 \$500 for each violation.

28 The bill does not apply to the application of a pesticide
29 or fertilizer to property which is agricultural land that is
30 principally used for farming.

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