

**Senate File 2081 - Introduced**

SENATE FILE 2081  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to application of fertilizer and pesticides to  
2 grass, providing penalties, and making appropriations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.172, Code Supplement 2009, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 12. *a.* The department shall adopt rules  
4 prohibiting a person who applies fertilizer or pesticide to  
5 grass from putting fertilizer or pesticide on a public street  
6 or sidewalk. Authority to enforce this subsection and rules  
7 adopted pursuant to this subsection shall be with a county  
8 board of health. As used in this section, "*fertilizer*" and  
9 "*pesticide*" mean the same as defined in section 200.3.

10 *b.* A person violating this subsection or rules adopted  
11 pursuant to this subsection is subject to a civil penalty of  
12 not more than five hundred dollars. Each day that a violation  
13 continues constitutes a separate offense. The penalty shall  
14 be assessed for the duration of time commencing with the time  
15 the violation begins and ending with the time the violation is  
16 corrected. Moneys collected by a county board of health from  
17 the imposition of civil penalties shall be deposited in the  
18 general fund of the county and used for purposes of enforcing  
19 this subsection and rules adopted pursuant to this subsection.  
20 Any moneys collected that are in excess of the moneys necessary  
21 for enforcement shall be remitted to the state and shall be  
22 deposited in the water quality protection fund created in  
23 section 455B.183A.

24 Sec. 2. IMPLEMENTATION OF ACT. The moneys generated as  
25 a result of the enactment of this Act are intended to cover  
26 the costs of any state mandate included in this Act, and this  
27 specification of state funding shall be deemed to meet all the  
28 state funding-related requirements of section 25B.2, subsection  
29 3, and no additional state funding shall be necessary for the  
30 full implementation of this Act by, and enforcement of this Act  
31 against, all affected political subdivisions.

32 EXPLANATION

33 This bill relates to the application of fertilizer and  
34 pesticide to grass.

35 The bill requires the department of natural resources to

1 adopt rules prohibiting a person who applies fertilizer or  
2 pesticide to grass from putting fertilizer or pesticide on a  
3 public street or sidewalk. Enforcement authority shall be with  
4 a county board of health.

5 The bill provides that a person violating the bill is subject  
6 to a civil penalty of not more than \$500. Moneys collected by  
7 a county board of health from the imposition of civil penalties  
8 shall be deposited in the general fund of the county and used  
9 for purposes of enforcing the bill. Any moneys collected that  
10 are in excess of the moneys necessary for enforcement shall  
11 be remitted to the state and shall be deposited in the water  
12 quality protection fund.

13 The bill may include a state mandate as defined in Code  
14 section 25B.3. The bill provides that moneys generated in  
15 this bill are intended to cover the costs of any state mandate  
16 included in the bill. The inclusion of this specification  
17 of state funding is intended to reinstate the requirement  
18 of political subdivisions to comply with any state mandates  
19 included in the bill.