

Senate File 2029 - Introduced

SENATE FILE 2029

BY SALMON

A BILL FOR

1 An Act relating to local approval for burn ban requests.

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

1 Section 1. Section 100.40, subsection 1, Code 2024, is
2 amended to read as follows:

3 1. The state fire marshal, during periods of extremely
4 dry conditions or under other conditions when the state fire
5 marshal finds open burning constitutes a danger to life or
6 property, may prohibit open burning in an area of the state at
7 the request of the chief of a local fire department, a city
8 council, or a board of supervisors and when an investigation
9 supports the need for the prohibition. The chief of a local
10 fire department may only request that the state fire marshal
11 prohibit open burning in an area if a majority of the city
12 council or board of supervisors, whichever is applicable,
13 approves the request. The state fire marshal shall implement
14 the prohibition by issuing a proclamation to persons in the
15 affected area. The chief of a local fire department, the
16 city council, or the board of supervisors that requested the
17 prohibition may rescind the proclamation, after notifying the
18 state fire marshal of the intent to do so, when the chief, city
19 council, or board of supervisors finds that the conditions
20 responsible for the issuance of the proclamation no longer
21 exist.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill requires the chief of a local fire department to
26 obtain majority approval from the city council or board of
27 supervisors, whichever is applicable, in order to submit a
28 request to the state fire marshal to prohibit open burning.
29 Current law provides that the chief of a local fire department
30 may submit a request directly to the state fire marshal to
31 prohibit open burning in an area of the state. The city
32 council and board of supervisors may also submit direct
33 requests to the state fire marshal.