

be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant.

A copy of the return, the inventory and any receipts issued shall be promptly filed with the clerk of the district court for the county in which the inspection is made.

Approved May 19, 1981

CHAPTER 48
OPEN BURNING RESTRICTIONS

H. F. 371

AN ACT relating to the prohibition of open burning under certain conditions and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Chapter 100, Code 1981, is amended by adding the following new section:

NEW SECTION.

1. The state fire marshal, during periods of extremely dry conditions or under other conditions when the state fire marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the state at the request of the chief of a local fire department, a city council or a board of supervisors and when an investigation supports the need for the prohibition. The state fire marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the state fire marshal of the intent to do so, when the chief, city council or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.

2. Violation of a prohibition issued under this section is a simple misdemeanor.

3. This section does not give the state fire marshal the authority to prohibit the use of outdoor fireplaces, barbeque grills, properly supervised dumping grounds, or the burning of trash in incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

Approved April 28, 1981