

21—49.1(200A) Definitions. When used in this chapter:

“*Bulk dry animal nutrient product*” or “*bulk product*” means an animal nutrient product delivered to a purchaser in bulk form to which a label cannot be attached.

“*Business*” means a commercial enterprise.

“*Church*” means a religious institution.

“*Commercial enterprise*” means a building which is used as a part of a business that manufactures goods, delivers services, or sells goods or services, which is customarily and regularly used by the general public during the entire calendar year and which is connected to electric, water, and sewer systems. A commercial enterprise does not include a farm operation.

“*County soil survey*” means a publication containing a survey of soils and topography of an Iowa county by the Iowa cooperative soil survey.

“*Department*” means the department of agriculture and land stewardship.

“*Distribute*” means to offer for sale, sell, hold out for sale, exchange, barter, supply or furnish a bulk dry animal nutrient product on a commercial basis.

“*Distributor*” means a person who distributes a bulk dry animal nutrient product.

“*Dry animal nutrient product*” means any unmanipulated animal manure composed primarily of animal excreta if all of the following apply:

1. The manure contains one or more recognized plant nutrients which are used for their plant nutrient content.
2. The manure promotes plant growth.
3. The manure does not flow perceptibly under pressure.
4. The manure is not capable of being transported through a mechanical pumping device designed to move a liquid.
5. The constituent molecules of the manure do not flow freely among themselves but do show the tendency to separate under stress.

“*Educational institution*” means a building in which an organized course of study or training is offered to students enrolled in kindergarten through grade 12 and served by local school districts, accredited or approved nonpublic schools, area education agencies, community colleges, institutions of higher education under the control of the state board of regents, and accredited independent colleges and universities.

“*Grassed waterway*” means a shaped or graded channel that is established with suitable vegetation for the stable conveyance of runoff.

“*Guaranteed analysis*” means the minimum percentage of plant nutrients claimed and reported to the department pursuant to Iowa Code section 200A.6.

“*Label*” means any written or printed material which accompanies bulk shipments.

“*Major water source*” means a water source that is a lake, reservoir, river or stream located within the territorial limits of the state, or any marginal river area adjacent to the state, if the water source is capable of supporting a floating vessel capable of carrying one or more persons during a total of a six-month period in one out of ten years, excluding periods of flooding.

“*Official sample*” means any sample of a bulk dry animal nutrient taken by the department, according to procedures established by the department consistent with this chapter.

“*Percent*” or “*percentage*” means percentage by weight.

“*Person*” means individual, partnership, association, firm or corporation.

“*Public use area*” means that portion of land owned by the United States, the state, or a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time. Facilities include, but are not limited to, picnic grounds, campgrounds, cemeteries, lodges and cabins, shelter houses, playground equipment, swimming beaches at lakes, and fishing docks, fishing houses, fishing jetties or fishing piers at lakes. It does not include a highway, road right-of-way, parking areas, recreational trails or other areas where the public passes through, but does not congregate or remain in the area for significant periods of time.

“*Purchaser*” means a person to whom a dry bulk animal nutrient is distributed.

“*Religious institution*” means a building in which an active congregation is devoted to worship.

“*School*” means an educational institution.

“*Ton*” means a net weight of 2,000 pounds avoirdupois.

“*Water of the state*” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

“*Water source*” means a lake, river, reservoir, creek, stream, ditch, or other body of water or channel having definite banks and a bed with water flow, except lakes or ponds without outlet to which only one landowner is riparian.

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