

MAR 1 2001

ENVIRONMENTAL PROTECTION

HOUSE FILE 467
BY MERTZ

(COMPANION TO 2601SS BY FLYNN)

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

A BILL FOR

1 An Act relating to open burn notifications and providing a
2 penalty.

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

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HF 467

1 Section 1. NEW SECTION. 101B.1 NOTICE REQUIRED.

2 A person shall not kindle or burn any building or other
3 structure, farmland whether actively farmed or not, pasture,
4 woodland, or rural ground without providing the local fire
5 department with notification at least one day prior to the
6 kindle or burn.

7 Sec. 2. NEW SECTION. 101B.2 EXCEPTIONS.

8 1. This chapter shall not apply to the use of outdoor fire
9 for cooking or recreation, burning of normal yard waste,
10 training fires, or disaster waste fires. This subsection
11 shall not apply to the cities of Cedar Rapids, Marion,
12 Hiawatha, Council Bluffs, Carter Lake, Des Moines, West Des
13 Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill,
14 except for training fires and disaster waste fires.

15 2. This chapter shall not apply if burning normal yard
16 waste is enclosed in an incinerator or a large container.

17 3. This chapter shall not apply to a location which is
18 under an open burn prohibition imposed by the state fire
19 marshal pursuant to section 100.40.

20 Sec. 3. NEW SECTION. 101B.3 PENALTY.

21 A person violating a provision of this chapter commits a
22 simple misdemeanor.

23 EXPLANATION

24 This bill provides that a person shall not kindle or burn
25 any building or other structure, farmland whether actively
26 farmed or not, pasture, woodland, or rural ground without
27 providing the local fire department with notification at least
28 one day prior to the kindle or burn.

29 The bill provides that the notification requirement does
30 not apply to the use of outdoor fire for cooking or
31 recreation, burning of normal yard waste, training fires, or
32 disaster waste fires, except for in certain cities; if burning
33 normal yard waste is enclosed in an incinerator or a large
34 container; or to a location which is under an open burn
35 prohibition imposed by the state fire marshal.

1 The bill provides that a person violating the notification
2 requirements commits a simple misdemeanor. A simple
3 misdemeanor is punishable by confinement for no more than 30
4 days or a fine of at least \$50 but not more than \$500, or by
5 both fine and imprisonment.

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