

IOWA COUNTY ORDINANCE NO. 30

TITLE: AN ORDINANCE ESTABLISHING NUISANCE ABATEMENT PROCEDURE.

Be it enacted by the Board of Supervisors of Iowa County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to prohibit the creation or maintenance of a nuisance and further provide that a public or private nuisance may be abated in the manner provided for in this ordinance or state law.

SECTION 2. Definitions. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. The term "Board of Health" shall mean the five member group appointed by the Iowa County Board of Supervisors in accordance with Chapter 137.105 of the Code of Iowa.
2. The term "Health Officer" shall mean the authorized representative of the Iowa County Board of Health.
3. The term "refuse" shall mean all waste, trash, garbage, junk, rubbish, ashes or other substances offensive to sight and smell, or dangerous to the public or individual health that are placed on or in any public or private place.
4. The term "junk vehicle(s)" shall mean a motor vehicle, or portion thereof, not in running condition, or not licensed for the current year as provided by law and not legally placed in storage with the office of County Treasurer. The term does not mean agricultural machinery, or agricultural machinery parts that are stored upon an agricultural property.
5. The term "nuisance" shall mean generally what is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as to essentially interfere unreasonably with the comfortable enjoyment of life or property. The following are declared to be nuisances:
 - a. any storage, collection, discharge or deposit of any offal, filth or noisome substance in any private or public place so as to threaten the health or safety of others.
 - b. the corrupting or rendering unwholesome or impure the water of any river, stream, or pond to the injury of others.
 - c. the emission of dense smoke or noxious fumes in the burning of unauthorized materials.
 - d. a dense growth of all weeds, vines, brush or other vegetation so as to constitute a health, safety or fire hazard for adjacent property owners.
 - e. an accumulation of refuse in any private or public place.

- f. any condition that is conducive to the reproduction or harborage of flies, mosquitoes, rodents and other vermin of public health significance so as to threaten the health and safety of others.
- g. junk motor vehicles, or portions thereof, located on any private or public property.
- h. any building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to threaten the health or safety of others.
- i. the obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
- j. the obstructing or encumbering by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
- k. the effluence from a septic tank or drain field or ponding of polluted water over an overloaded or non-operating drain field or to a waterway or the ground surface.
- l. Any discharge of liquid or placing of rocks, trees, snow, mud or debris within the right-of-way of public roadways which may prove to be a safety hazard, be offensive or interfere with the maintenance of public roadway and right-of-way.

SECTION 3. Prohibited Acts. It shall be a county infraction for any person, firm, corporation or other entity to erect, cause, allow or continue a nuisance as provided in this ordinance.

SECTION 4. Investigation. The Health Officer, or other authorized representative of the Board of Health, shall investigate complaints of nuisances in Iowa County.

SECTION 5. Refusal of Admittance. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an investigation to carry out the provisions of this ordinance, shall be refused entry, an application may be made to the court for an administrative search warrant. During entry onto the property pursuant to an administrative search warrant, only those activities necessary to carry out the provisions of this ordinance shall be allowed.

SECTION 6. Enforcement. It shall be the duty of the Iowa County Board of Health and/or its designee, the Health Officer, to enforce the provisions of this Ordinance.

SECTION 7. Penalty. A violation of any of the provisions of this ordinance are subject to the following penalties:

1. A violation of any provision of this ordinance shall constitute a county infraction. Any person committing a county infraction shall, upon conviction, be subject to a civil penalty of not more than One Hundred Dollars (\$100) for each offense, not to exceed Two Hundred Dollars (\$200) for each repeat offense. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense. A person found guilty of a county infraction is liable for the court costs and fees.
2. The Health Officer may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service or by certified mail, return receipt requested. A copy of the citation shall be retained by the Iowa County Health Department and one copy shall be sent to the clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; and the penalty for failure to appear in court.
3. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.
4. In addition to any civil penalty imposed for violation of this ordinance, the court may grant appropriate relief to abate or halt the violation. The court shall have available to it all of the options set forth in Chapter 331.307, Code of Iowa.
5. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.
6. Nothing in this section precludes the prosecution of any violations of this ordinance as a simple misdemeanor, pursuant to Chapter 331.307, Code of Iowa.

SECTION 8. Jurisdiction. The provisions of this ordinance shall apply throughout Iowa County, Iowa, except for the incorporated cities and towns of Iowa County, Iowa.

SECTION 9. Severability. If any provision of this ordinance is declared null, ineffective or unconstitutional, the other provisions shall remain in full force and effect.

SECTION 10. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as provided by law.

Effective Date: