

# HANCOCK COUNTY ORDINANCE #7

## **TITLE: AN ORDINANCE DEFINING AND PROVIDING FOR THE ABATEMENT OF NUISANCES IN HANCOCK COUNTY, IOWA**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF HANCOCK COUNTY, IOWA

### Section I Definition of Nuisance

A. Any act, failure to act or any condition which is offensive to the senses, or which is an obstruction to the free use of property of one or more persons and shall include, but not be limited to:

1. Any business, trade, manufacture or other operation or condition of property, which gives rise to noxious or offensive odors, gases, vapors, smoke, dust, pollen, or fumes, which injure or threaten the health or safety of individuals or the public.
2. The storage, collection, discharge or deposition of any waste, offal, filth, garbage, refuse, dead animals or contaminated materials in any private or public place so as to threaten the public health or safety, or is offensive to the senses of any individual or the public, or to be conducive to the breeding and harborage of flies, rats or other vermin.
3. Failure to secure areas, buildings, places, construction sites, excavations, or abandoned refrigerators or wells against unauthorized access where such access threatens the health or safety of individuals or is an attractive nuisance to children.
4. Any condition as defined in Chapter 657.1 and 657.2, Code of Iowa, 1989

### Section II Nuisances Prohibited

The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this ordinance.

### Section III Notice to Abate Nuisance

Whenever the County Official finds that a nuisance exists, the County shall order the person on whose property the nuisance exists or person whose act or inaction gives rise to the nuisance, to abate the said nuisance.

The notice to abate a nuisance shall contain:

1. A description of what constitutes the nuisance.
2. A location of the nuisance.
3. A statement of the act or acts necessary to abate the nuisance.
4. A reasonable time within which to complete the abatement.
5. A statement that if such person fails to comply with said order, the County may take such action as deemed necessary to abate the nuisance.

The notice may be served by the County's Sheriff's Department or sent by certified mail to the property owner.

#### Section IV Right to Enter Premises

The County may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, or cause of sickness.

#### Section V Refusal of Admittance

In any case the County Official shall be refused entry to any place, complaint may be made under oath to any court of competent jurisdiction and said court shall thereupon issue its order authorizing the County Official to enter the place for the purpose of examining any possible nuisance.

#### Section VI Request for Hearing

Any person ordered to abate a nuisance may have a hearing with the County Board of Supervisors as to whether a nuisance exists, to request a change in the acts necessary to abate the nuisance, or to request an extension of time for the prescribed abatement. A request for a hearing must be made in writing and delivered to the County Auditor within seventy-two(72) hours after the receipt of the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

The hearing will be before the Board at a time and place fixed by the Board. The findings of the Board shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

#### Section VII Abatement by County

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the County may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the County Auditor who shall pay such expenses on behalf of the County.

#### Section VIII Abatement in Emergency

If it is determined that an emergency exists by reason of an immediate danger to life, limb, property or safety to the public, the County may abate the nuisance by whatever action deemed necessary without prior notice. The County shall assess the costs as provided in Section IX of this ordinance.

#### Section IX Collection of Costs of Abatement

The County Auditor shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within

30 days, he shall certify that the costs shall then be collected with, and in the manner, as general property taxes.

Section X  
Penalties

Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a simple misdemeanor and the penalties thereto by State statutes and furthermore each day a violation exists shall constitute a separate offense.

Section XI  
Separability of Provisions

If any section of the Regulation shall be held invalid, the invalidity of such section shall not affect the remaining sections of this ordinance.

Passed this 9<sup>th</sup> Day of October, 1989

Published October 18, 1989

Signed by:

Calvin Sorenson, Chairman, Hancock County Board of Supervisors

Ron Sweers, Member, Hancock County Board of Supervisors

Gerald Burke, Member, Hancock County Board of Supervisors

Attested by:

Dorothy DeVary, Auditor, Hancock County, Iowa