

CHAPTER 30

PUBLIC HEALTH NUISANCES

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30.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Board of Health” means the Wapello County Board of Health.
2. “Garbage” means all solid and semi-solid, putrescible animal and vegetable wastes and includes all such substances from all public and private establishments and from all residences.
3. “Health Department” means the Wapello County Health Department.
4. “Health nuisance” includes any act, failure to act or condition which is dangerous or detrimental to the life, health, or related safety of one or more persons.
5. “Health Officer” means the Chairperson of the Wapello County Board of Health or his/her authorized representative.
6. “Refuse” means all non-putrescible wastes.

30.02 NUISANCES ENUMERATED. Health nuisances include, but are not limited to, the following:

1. The storage, collection, accumulation, discharge, or depositing of any offal, fecal matter, filth, refuse, weeds, vegetation, dead organic material, junk, debris, contaminated material, garbage, refuse, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the individuals or the public or to be conducive to the breeding of flies, rats or other vermin, or to the prejudice of others.
2. The presence of rats for other than research purposes, flies or other vermin.
3. The discharge or depositing of any garbage, refuse, liquid waste, filth, dead animals or other polluting material into any stream, river, lake, other body of water, or drainage channel, so as to render the water, shore, channel, bottom or other features thereof unsafe for the uses to which they are put or as to otherwise injure or threaten the health and safety of the individuals or the public.
4. The collection, storage, depositing or discharge of flammable refuse, liquid or other material in any building or on any place in such manner as to constitute a hazard of fire injury to individuals or the public.
5. Inadequate or unsanitary plumbing facilities in living quarters offered for rent or lease to the general public.
6. The maintenance of any water well found to be contaminated beyond reclamation or any well the use which is to be permanently discontinued. Such well shall be sealed according to the directions of the Health Department.
7. The unlawful disposal of animal carcasses or the failure to properly dispose of animal carcasses in the following manner: No persons caring for or owning any animal that has died shall allow the carcass to lie about his or her premises. Such carcass shall be disposed of within

twenty-four (24) hours after death by cooking, burying or burning as provided in Chapter 167 of the Code of Iowa, or by disposing of said animal within said time to a person licensed to dispose of it.

8. Failure to secure areas, buildings, equipment or places against unauthorized access where such access threatens the health or safety of individuals.

9. The exposure of any person to any infectious or communicable disease or condition by any act or practice.

10. Whatever renders food or drink unwholesome or detrimental to human beings, as determined by the Health Officer.

11. To sell or distribute, or have for sale or distribution, or to store or keep; spoiled, tainted or adulterated meat, poultry, fish or other provisions intended for human or animal consumption.

12. Any attractive nuisance which may prove detrimental to life, health, or safety whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement, excavation, or discarded, abandoned, unattended or used refrigerators, iceboxes and similar containers equipped with airtight door or lid, snap lock or other locking device which may not be released from the inside.

13. Establishing, continuing, maintaining or operating any building or place which is conducive to the breeding, harboring, feeding or sheltering of any vermin or pests such as, but not limited to flies, mice, cockroaches, rats and pigeons.

14. Violations of Iowa Administrative Code 567, Chapter 69, pertaining to on-site wastewater treatment and disposal systems.

30.03 GENERAL REQUIREMENTS.

1. Presence of Vermin Prohibited. The owner of any building, dwelling, structure, business, matter or thing on or about the lot on which it is situated where the presence of cockroaches, rodents and other vermin has been determined by the Health Officer shall, within the time limit specified by the Health Officer, initiate action to abate or cause for the abatement of the presence of said cockroaches, rodents or other vermin in order that they are effectively minimized.

2. Designation of Unfit for Human Occupancy or Habitation. Any building, dwelling, structure or business may be designated as unfit for human habitation when any defect or condition which is in violation of this chapter has been found to exist and when in the judgment of the Health Officer such defects or conditions create a hazard to the health, safety or welfare of the occupants or of the public. The owner of the building, dwelling, structure or business which has been designated as unfit by the Health Officer shall within the time limit specified by the Health Officer vacate or cause for the vacation of the same. No person shall deface or remove a placard from any building, dwelling, structure or business which as been designated as unfit for human habitation by the Health Officer.

30.04 INVESTIGATION. The Health Officer shall investigate, upon complaint of any person or on his/her own initiative, any health nuisance within Wapello County Health Department jurisdiction.

30.05 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County and said magistrate shall thereupon issue a warrant directed to some peace officer of the County commanding said officer, between the hours of sunrise and sunset, and accompanied by the Health Officer, to enter upon such premises and to make such inspection, and to obtain such samples as may be required to carry out the provisions of this chapter.

30.06 NOTICE. Whenever the Health Officer determines that there are reasonable grounds to believe that a public health nuisance exists, he/she shall order the person on whose property the nuisance exists or the person whose act or omission to act gives rise to the nuisance to abate said nuisance. Such notice shall:

1. Be in writing.
2. Include a statement of the reasons why it is being issued.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or owner's agent or the occupant, as the case may require; provided, such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is sent by certified mail to the owner's last known address; or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if the owner is served with such notice by any other method authorized or required under the laws of the State.

Such notice may contain an outline of remedial action which, if taken, will effect compliance with provisions of this chapter and with ordinances adopted pursuant thereto.

30.07 HEARINGS.

1. Whenever the Health Officer finds conditions which he/she deems an imminent or serious public health hazard, he/she may issue a written notice to the owner or operator citing such condition, specifying a time period within which corrective action shall be taken. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible. It may be necessary for the Health Department to proceed with the emergency implementation of a Health Department order to alleviate the problem prior to hearing, either with the consent of the person affected by the order, or without the consent and upon appropriate judicial authorization.
2. In the event any person is aggrieved by an order made by the Health Officer, he/she may within twenty (20) days of the date of such order appeal to the Board of Health and in writing state his/her reasons for requesting such order to be rescinded or modified. The Board of Health shall schedule a hearing and following such hearing shall modify, withdraw or order compliance with said order. Appeal from any order of the Board of Health may be taken within twenty (20) days to the District Court of Wapello County, Iowa.

30.08 ENFORCEMENT. The Health Officer and his/her authorized representative shall have the duty and responsibility of enforcing this chapter. Citations for violations of this chapter may be issued by duly authorized peace officers.

1. Citations shall include the name and address of the person charged, the nature of the offense, the time and place at which the person is to appear in court, and the penalty for non-appearance.
2. The cited person shall sign the citation as written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.
3. The person issuing the citation shall cause to be filed a complaint in the Court in which the cited person is required to appear as soon as practicable, charging the violation stated in the notice.

30.09 PENALTY. Any person who violates any of the provisions of this chapter shall be deemed to have committed a county infraction. A person shall be deemed to have committed a separate offense for each day during which a violation of this chapter continues. Any officer authorized by the County to

enforce this chapter may issue a civil citation to a person who commits a county infraction in accordance with the provisions of Iowa Code Section 331.307. A person who commits an offense under this section shall be assessed a civil penalty not to exceed \$100.00 per day.

30.10 COLLECTION OF COST ABATEMENT. Upon failure of any person to abate or remove a health nuisance from his/her property or the property he/she occupies, the Health Officer may direct or cause the abatement or removal of said nuisance. All expenses incurred thereby shall be paid by the owner, agent or occupant of said property and the same shall be a lien upon said property.

30.11 APPLICABILITY. This chapter applies to all lands lying within the boundaries of Wapello County, Iowa, including such lands lying within the corporate City limits of any city within the boundaries of Wapello County.