

JACKSON COUNTY ORDINANCE #189

AN ORDINANCE TO PROVIDE FOR THE REMOVAL OF NUISANCES

WHEREAS, nuisance conditions are at times created and maintained to the detriment of the health, safety and welfare of the citizens and safety of property, and

WHEREAS, we perceive a need for more effective and efficient means for removal of such nuisances,

NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD OF SUPERVISORS, that the following be adopted as Ordinance #189:

ARTICLE I GENERAL

SECTION 1. TITLE

This Ordinance shall be known and may be cited and referred to as the Jackson County Nuisance Ordinance.

SECTION 2. PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with, and as authorized by 2001 Iowa Code Chapter 657, Nuisances, and 2001 Iowa Code Chapter 331, as amended, County Home Rule. The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens and safety of property of Jackson County by providing for removal of nuisances.

SECTION 3. DEFINITIONS

- A. Junk is waste, discarded, or salvaged materials, including dismantled or inoperable vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances.
- B. Inoperable vehicles are motor vehicles lacking a current registration or lacking component parts so that they are unfit or illegal for use on public roads.

- C. Nuisances are whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. Nuisances include but are not limited to these conditions and actions:
1. Accumulations of junk except for those in conjunction with business operations in compliance with the Jackson County Zoning Ordinance and with state and federal law, to the prejudice of others.
 2. Any building, structure, or mobile or manufactured home which has been abandoned, or which because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined to be unsanitary, unfit for human habitation, unreasonably offensive to the senses, or in such a condition that is likely to threaten the health or safety of others.
 3. Storage or deposit of dead animals or animal parts, waste, trash, garbage, junk, rubbish, or other offensive or dangerous substances on public rights-of-way.

SECTION 4. SCOPE OF ORDINANCE

The provisions of this Ordinance shall apply to all private property located within Jackson County, Iowa, which is also located outside the boundaries of any incorporated city.

ARTICLE II PROCEDURE

SECTION 1. NUISANCES PROHIBITED

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

SECTION 2. NOTICE TO ABATE NUISANCE

Whenever the Board, or other authorized county officer finds that a nuisance exists as defined in this Ordinance, the Board shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

SECTION 3. CONTENTS OF NOTICE TO ABATE

The notice to abate shall contain:

- A. A description of what constitutes the nuisance.
- B. The location of the nuisance.

- C. A statement of the act or acts necessary to abate the nuisance.
- D. A reasonable time within which to complete the abatement. Thirty (30) days shall generally be considered a reasonable time for abatement to be completed. The Board shall consider each case on an individual basis to determine whether thirty (30) days shall be allowed for abatement, or whether more or less time shall be allowed.
- E. A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the County will abate the nuisance and assess the costs against the property owner or seek enforcement by court action as provided by 2001 Iowa Code Section 331.307.

SECTION 4. METHOD OF SERVICE

The notice may be served by certified mail or personal service to the property owner as shown by the records of the Jackson County Auditor.

SECTION 5. REQUEST FOR RECONSIDERATION

Any person ordered to abate a nuisance may appeal to the Board for reconsideration as to whether a nuisance exists. A request for reconsideration must be made in writing and delivered to the Board within the time stated in the notice. A time and date for reconsideration shall be set by the Board. Following the reconsideration hearing the Board shall render a written decision either affirming or overruling its initial determination that a nuisance existed. The findings of the Board shall be conclusive, and if a nuisance is found to continue to exist, it shall be ordered abated within a time reasonable under the circumstances.

SECTION 6. ABATEMENT IN EMERGENCY

If it is determined that an emergency exists by reason of the continuing maintenance of a nuisance, Jackson County may perform any action that may be required under this Ordinance without prior notice and assess the costs as provided in this Ordinance after notice to the property owner and hearing.

SECTION 7. ABATEMENT BY COUNTY

If the property owner fails to abate the nuisance by the date given in the properly served notice, the County may perform the required action to abate, and the costs incurred by the County shall be assessed to the property for collection in the same manner as a property tax.

SECTION 8. COUNTY INFRACTION

A violation of this Ordinance shall constitute a county infraction pursuant to 2001 Iowa Code Section 331.307, and is punishable against the owner of the property or any other individual in lawful possession of the property. The penalties are as follows:

- A. A civil penalty of not more than one hundred dollars (\$100.00) for each offense, and not to exceed two hundred dollars (\$200.00) 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 also liable for court costs and fees.
- B. In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to 2001 Iowa Code Section 331.307.

**ARTICLE III
MISCELLANEOUS**

SECTION 1. SEVERABILITY

This Ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance or amendment hereto shall not be affected thereby.

SECTION 2. RELATIONSHIP TO OTHER LAWS

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance, statute, or regulation by the County, State or Federal Government.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2002, TO BE EFFECTIVE UPON PUBLICATION.

ATTEST: _____
T. MICHAEL COTTON
JACKSON COUNTY AUDITOR

CHAIR, BOARD OF
SUPERVISORS