

TITLE V PUBLIC ORDER, SAFETY AND HEALTH

CHAPTER 9 PUBLIC HEALTH NUISANCES

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5-9-1 DEFINITIONS.

1. Board of Health: Clinton County Board of Health.
2. Health Department: The Clinton County Health Department.
3. Health Nuisance: A health nuisance includes any act, failure to act or condition which is dangerous or detrimental to life, health, or related safety of one or more persons.
4. Health Officer: The member of Clinton County Board of Health who is licensed in Iowa as a Doctor of Medicine & Surgery or as an Osteopathic Physician & Surgeon, as defined by law, or his/her authorized representatives.
5. Person: Any individual, firm, corporation or other legal entity and authorized agents and/or officers thereof.
6. Garbage: Means all solid and semi-solid, putrescible animal and vegetable wastes and shall include all such substances from all public and private establishments and from all residents.
7. Refuse: Means all nonputrescible wastes.
8. Vermin: Small common harmful or disgusting animals that are difficult to get rid of.
9. Insects: Means harmful or disgusting insects such as lice, cockroaches, etc.

5-9-2 ENUMERATION. Health nuisances include, but are not limited to, the following:

1. The storage, collections, accumulation, discharge, or depositing of any offal, fecal matter, filth, 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 public or to be conducive to the breeding of

flies, rats or other vermin, and 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 animal(s), 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 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 the public.

5. Inadequate or unsanitary plumbing facilities in living quarters.

6. The maintenance of any water well found to be contaminated beyond reclamation or any well the use of 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/her premises. Such carcass shall be disposed of within twenty-four (24) hours after death by cooking, burying, burning as provided in Chapter 167 of the Code of Iowa, or by disposing of said time to a person licensed to so dispose of it.

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

9. The exposure of any person to any infectious or communicable disease or condition by any intended 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 can be demonstrated as detrimental to life, health or safety whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any unsecured buildings, abandoned, unattended 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 fleas, lice, flies, mice, cockroaches, rats and pigeons.

14. Violations of Iowa Administrative Code 567, Chapter 69, pertaining to on-site waste water treatment and disposal systems and any open waste water or sewage discharge to ground surface, surface water or ground water.

15. Violation of Clinton County Lead Ordinance.

5-9-3 GENERAL REQUIREMENTS.

1. The Presence of Vermin or Harmful Insects 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, lice, rodents and other vermin have been determined to exist 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, lice, 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 Regulation 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 because of structural safety or conditions in or around such structure 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 has been designated as unfit for human habitation by the Health Officer.

5-9-4 INVESTIGATION. The Health Officer shall investigate, upon complaint of any person or may on his/her own initiative, any health nuisance.

5-9-5 REFUSAL OF ADMITTANCE. In the event the Health Officer, in proceeding to enter any premise for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made under oath to any magistrate of the County and said magistrate may thereupon issue his/her warrant directed to a peace officer commanding him/her between the hours of sunrise and sunset, accompanied by the Health Officer, to enter upon such premise and to make such inspection, and to obtain such samples as may be required to carry out the provisions of this Ordinance.

5-9-6 NOTICE.

1. 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. In addition, the Health Officer shall notify the owner of the property. Such notice shall:

- a. Be in writing.
 - b. Include a statement of the reasons why it is being issued.
 - c. Allow a reasonable time for the performance of any act it requires.
 - d. Be served upon the owner or his/her 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 his/her last known address; or if a copy thereof is posted in a conspicuous place in or about the premise affected by the notice, or if he/she is served with such notice by any other method authorized or required under the laws of the State.
2. Such notice shall contain an outline of remedial action which, if taken, will effect compliance with provisions of this Ordinance and with Ordinances adopted pursuant thereto.
3. Such notice shall contain a notice of the right to appeal as contained in Section 5-9-7 herein.

5-9-7 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 a 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 Clinton County, Iowa.

5-9-8 ENFORCEMENT. The Health Officer shall have the authority to enforce this Ordinance. Citations for violations of this Ordinance 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.

5-9-9 PENALTY.

1. Any person violating this Ordinance or any provision thereof shall be guilty of a simple misdemeanor and upon conviction thereof may be fined not more than One-Hundred Dollars (\$100.00) or imprisoned in jail for a period not to exceed thirty (30) days. Each day that a violation occurs constitutes a separate offense.

2. Any person who fails to comply with any order of the Health Officer to abate a health nuisance, or who interferes with or obstructs the Health Officer in his/her investigation or a health nuisance shall be guilty of a simple misdemeanor and upon conviction thereof may be fined not more than One-Hundred Dollars (\$100.00) or imprisoned in jail for a period not to exceed thirty (30) days. Each day that a violation occurs constitutes a separate offense.

3. Any violation of this Ordinance shall in addition be a county infraction subject to the provisions and penalties as set out in Iowa Code Sec. 331.307.

5-9-10 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, including administrative expenses, incurred thereby shall be paid by the owner, agent or occupant of said property and the same shall be collected in the same manner as taxes.

5-9-11 APPLICABILITY. This Ordinance shall apply to all lands lying within the boundaries of Clinton County, Iowa.

(Ord. 97-06, Passed December 10, 1997)