

CHAPTER 25

PUBLIC HEALTH NUISANCES

SECTIONS :

- 25-1. DEFINITIONS
- 25-2. ENUMERATION
- 25-3. GENERAL REQUIREMENTS
- 25-4. INVESTIGATION
- 25-5. REFUSAL OF ADMITTANCE
- 25-6. INTERFERENCE WITH NUISANCE ABATEMENT BY THE HEALTH OFFICER PROHIBITED
- 25-7. NOTICE
- 25-8. PUBLIC HEALTH NUISANCE ABATEMENT
- 25-9. HEARINGS
- 25-10. JURISDICTION
- 25-11. ENFORCEMENT
- 25-12. MUNICIPAL INFRACTION
- 25-13. SEPARABILITY OF PROVISIONS

SEC. 25-1. DEFINITIONS

- A. Board of Health. The Scott County Board of Health.
- B. Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, and utility rooms (less than fifty (50) square feet of the floor space), foyers or communicating corridors, stair-ways, closet storage spaces and workshops, hobby and recreation areas and parts of the structure below ground level or in attics.
- C. Health Department. The Scott County Health Department.
- D. Health Officer. The Director of the Scott County Health Department or his authorized representative.
- E. Person. Any individual, firm, corporation or other legal entity and authorized agents and/or officers thereof.

PUBLIC HEALTH NUISANCES

SEC. 25-2. ENUMERATION

Health nuisance includes any act, omission to act, or condition which is in the opinion of the Health Officer in a condition or in effect dangerous or detrimental to life or health, safety or comfort of one or more persons and shall include but not be limited to:

- A. The storage, collection, accumulation, discharge, or depositing of any offal, fecal matter, filth, refuse, weeds, yard waste, dead organic material, junk, debris, contaminated material, garbage, 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 individual or the public or to be conducive to the breeding of flies, rats or other vermin, or to the prejudice of others.
- B. The presence of rats, cockroaches, flies, or other vermin.
- C. The discharge or depositing of any liquid waste, filth, dead animal(s), or other polluting material into any stream, river, lake, other body of water, or drainage ditch, 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 individuals or the public.
- D. 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.
- E. Inadequate or unsanitary sewage or plumbing facilities.
- F. The exposure of any person to any communicable disease by any unlawful act or practice.
- G. The unlawful manufacture, formulation, sale, distribution and use of drugs, medications, materials and chemicals.
- H. The unlawful disposal of animal carcasses or the failure to properly dispose of animal carcasses in the following manner: No person caring for or owning any animal that has died shall allow the carcass to lie about his 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 2005 Code of Iowa, or by disposing of it, within said time, to a person licensed to so dispose of it.
- I. Failure to secure areas, buildings, equipment or places against unauthorized access where such access threatens the health or safety of individuals.

PUBLIC HEALTH NUISANCES

- J. Whatever renders food, or drink unwholesome or detrimental to human beings, as determined by the Health Officer.
- K. Any attractive nuisance which may prove detrimental to life, health or safety whether in a building, on the premise of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement, or excavation, motor vehicle, 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. The duties of this chapter are imposed alike on the owner of the nuisance and the owner or occupant of the premise where the nuisance is permitted to remain.

SEC. 25-3. GENERAL REQUIREMENTS

Violation of the following provisions of this Regulation shall constitute a public health nuisance.

- A. Garbage Receptacles Required. The owner of any building, dwelling, structure, business, matter or thing on or about the lot on which it is situated shall provide for said building, dwelling, structure, business, matter or thing on or about the lot on which it is situated, covered rodent proof receptacles of non-absorbent material for the storage of garbage, refuse, rubbish and other waste matter generated. Said receptacles shall be kept clean and covered when not in continuous use and shall be of sufficient size or numbers to properly contain all garbage, refuse, rubbish and other waste material between collection intervals.
- B. Accumulations of Waste. Every building, dwelling, structure, or business and part thereof shall be kept clean and shall be kept free of any accumulations of dirt, filth, rubbish, garbage, or other matter in or on the same, or in the yards, courts, passages, areas, or alleys connected with or belonging to the same. The owner of every building, dwelling, structure, or business and in the case of a private dwelling the occupant, thereof, shall thoroughly cleanse or cause to be cleansed all rooms, passages, stairs, floors, windows, doors, walls, ceilings, roofs, and all other parts of said building, dwelling, structure, or business of which he is the owner or in the case of a private dwelling, the occupant, to the satisfaction of the Health Officer and shall keep said parts of said building, dwelling, structure, or business in a clean condition at all times.
- C. Overcrowding of Rooms. The maximum occupancy of any dwelling unit shall not exceed the following requirements: To the first occupant one-hundred fifty (150) square feet of floor space and at least seventy (70) square feet of floor

PUBLIC HEALTH NUISANCES

space for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of minimum area thereof.

- D. The 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 which the presence of cockroaches, 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, rodents, or other vermin in order that they are effectively minimized.
- E. Minimum Thermal Requirements. Every residential structure except seasonal residences shall have heating systems which are properly installed and are maintained in a safe and good working condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every unit located therein to a room temperature of at least 65 degrees F. at a point three (3) feet above the floor level under ordinary conditions. Every person, including any owner, agent, manager or renter, who maintains or regulates the temperature control or operates the heating system for any building or portion thereof which is occupied for living or sleeping purposes by persons other than a member of his family is hereby directed to maintain sufficient heat in all rooms so occupied to produce a temperature of not less than 65 degrees F. between the hours of 6:30 a.m. and 10:30 p.m. of each day, and shall maintain a temperature of not less than 60 degrees F. from 10:30 p.m. until 6:30 a.m. of each day. Nothing contained in this section is intended to prevent any person from complying with any directive or order of the President of these United States or the Governor of Iowa, which calls for a reduction in the heat maintained in buildings occupied for living or sleeping purposes. Such facilities shall be installed and maintained in a safe condition and in accordance with applicable building codes, mechanical codes and all other laws.
- F. 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 or 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 any 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

PUBLIC HEALTH NUISANCES

remove a placard from any building, dwelling, structure or business which has been designated as unfit for human habitation by the Health Officer.

SEC. 25-4. INVESTIGATION

The Health Officer shall investigate, upon complaint of any person or on its own initiative, any health nuisance in Scott County.

SEC. 25-5. 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 Regulation, shall be refused entry, a complaint may be made under oath to any magistrate of the county and said magistrate shall thereupon issue his warrant directed to some peace officer of the county commanding him 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 Regulation, which order shall be executed by said officer under the direction of the Health Officer.

SEC. 25-6. INTERFERENCE WITH NUISANCE ABATEMENT BY THE HEALTH OFFICER PROHIBITED

No person shall obstruct, impede, or interfere with any Officer, employee, contractor, or authorized representative of the Scott County Board of Health or with any person who owns or holds any estate or interest in any building, dwelling, structure, business, or lot which has been Ordered repaired, vacated, or public health nuisance which has been ordered abated under the provisions of this Chapter whenever such Officer, employee, contractor or authorized representative of the Scott County Board of Health, person having an interest or estate in such building, dwelling, structure, business, or lot or purchaser engaged in the work of repairing, vacating, or abating any public health nuisance pursuant to the provisions of this Chapter.

SEC. 25-7. NOTICE

A. Whenever the Health Officer determines that there are reasonable grounds to believe that a public health nuisance exists, he 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

PUBLIC HEALTH NUISANCES

issued.

3. Allow a reasonable time for the performance of any act it requires.
 4. Be served upon the owner or his Registered Agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by certified mail to his 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 is served with such notice by any other method authorized or required under the laws of this state.
- B. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provision of this Regulation and with Regulations adopted pursuant thereto.
- C. Emergencies.
1. Whenever in the judgment of the Health Officer an emergency exists or immediate health hazard exists which requires immediate action to protect the public health, safety or welfare, the Health Officer may perform any action which may be required under this chapter without notice, appeal or hearing to correct or abate the emergency.
 2. The Health Department shall assess the costs as provided in Section 25-8, 1, and Section 25-8, 2, after notice to the property owner. The owner, occupant or agent shall be afforded the opportunity for a hearing as provided in Section 25-9, entitled HEARINGS.

SEC. 25-8. PUBLIC HEALTH NUISANCE ABATEMENT

1. If the person notified to abate a nuisance neglects or fails to abate as ordered, the Health Department may perform the required action to abate, keeping an accurate account of cost incurred in the abatement of the nuisance. The itemized account of the cost shall be filed with the Director who will approve payment to any outside expenses on behalf of the Health Department. The Health Department shall charge a \$250.00 administrative fee. The salvage value, if any, of any item or items constituting a nuisance which is so abated by the Health Department, shall be retained by the Health Department to be applied against the costs. In the event the salvage proceeds exceed the costs, any

PUBLIC HEALTH NUISANCES

such excess shall be paid to the owner of the property, upon proof of such ownership. If ownership is not proved within sixty (60) days of the disposal of the property, then the excess portion of the payment shall be applied to the county's general fund.

2. The Health Department shall mail a statement of the total expenses and administrative fee incurred, minus any salvage value, to the person who has failed to abide by the notice to abate, demanding payment of the expense. If the amount shown by the statement has not been paid by the person within thirty (30) days, a lien shall be placed on the property.

SEC. 25-9. HEARINGS

In the event any person is aggrieved by any order made by the Health Officer, he may within twenty (20) days of the date of such order appeal to the Board of Health and in writing state his reasons for requesting such order to be rescinded or modified. The Board of Health shall review the action of the Health Officer, and if reasonable grounds exist, 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 Scott County, Iowa.

SEC. 25-10. JURISDICTION

The provisions of this Chapter shall apply throughout Scott County, Iowa including cities and towns therein.

SEC. 25-11. ENFORCEMENT

It shall be the duty of the Health Officer to enforce the provisions of this Chapter.

SEC. 25-12. MUNICIPAL INFRACTION

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.

SEC. 25-13. SEPARABILITY OF PROVISIONS

If any section, paragraph, clause or provision of this Chapter shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Chapter.