

CLARKE COUNTY ORDINANCE #16

ENVIRONMENTAL HEALTH NUISANCES

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16.01 ENFORCEMENT OFFICER. The Board of Supervisors through the Board of Health or its designee(s) shall be responsible for the enforcement of this ordinance.

16.02 DEFINITIONS. For the use in this chapter the following terms are defined:

1. "Health Official" means Clarke County Board of Health, Board of Health members, Environmental Health, Public Health, or any designee of the Board of Health.
2. "Garbage" means any putrescible organic waste resulting from the handling, preparation, and consumption of food or of material intended for use as food.
3. "Health Hazard" means any condition, which can or has the potential to cause injury or sickness to human or animal life, or to the environment.
4. "Nuisance" means what ever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. This shall include all definitions in 657.2 of the Code of Iowa.
5. "Open Dumping" means the depositing of solid waste on the surface of the ground or into a body or stream of Water.
6. "Rodent harborage" is any condition, which provides shelter or protection for rats, any other rodents, cockroaches, pests or other vermin thus favoring their multiplication and continued existence in, under, or outside any structure.
7. "Refuse" means any putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, and market and industrial solid wastes.
8. "Sanitary Disposal Project" means all facilities and appurtenances including all real and personal property connected with such facilities which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public or safety, and which are approved by the Executive Director of the Department of Natural Resources.
9. "Solid Waste" means garbage, refuse, and other similar discarded solid, or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection on of Section 321.1 of the Code of Iowa.
10. "Yard Waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

16.03 GARBAGE AND REFUSE. No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers meeting County specifications. Such containers shall be constructed in such a manner as to be strong, no easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage and refuse is being deposited therein or removed there from.

16.04 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises. Disposal of yard waste at sanitary landfills is prohibited. However, yard waste which has been separated as its source from other solid waste may be accepted by a sanitary landfill for the purposes of soil conditioning or composting. Composting, incineration, and/or land application are appropriate methods for disposing of yard waste.

16.05 EMERGENCY CONDITIONS. In case of a natural disaster or other emergency conditions, as established by the Board of Supervisors, special disposal procedures may be implemented by resolution of the Board.

- 16.06 HEALTH HAZARD.** It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste or refuse, either in containers or not, that shall constitute a health or sanitation hazard.
- 16.07 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than the sanitary landfill facilities operated by the Clarke County Landfill Commission, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill landscaping, excavation, or grading at places other than a sanitary disposal project.
- 16.08 SANITARY DISPOSAL REQUIRED.** It shall be duty of each owner to provide for the sanitary disposal of all refuse accumulated on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance.
- 16.09 NUISANCES PROHIBITED.** The creation or maintenance of a nuisance is prohibited.
- 16.10 ABATEMENT OF NUISANCES.** The Board of Health may order the owner, occupant, or person in charge of any property, building or other place to remove at his or her own expense any nuisance, source of filth, cause of sickness, or health hazard found thereon by serving upon said person a written notice stating some reasonable time within which such removal shall be made, and if such person fails to comply with said notice, the Board of Health may cause the same to be executed at the expense of the owner or occupant after a court determination that a condition exists that constitutes a violation of this ordinance.
- 16.11 COST OF ABATING NUISANCE.** All expenses incurred by the Board of Health in proceeding to abate a nuisance may be recovered by suit in the name of the Board of Health, or the Board of Health may certify the amount of said expenses, together with a legal description of the property to the County Treasurer who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.
- 16.12 RODENT ATTRACTION.** It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any structure or on any property so that the same may afford food or harborage for rodents.
- 16.13 RODENT HARBORAGE.** It shall be unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a rodent harborage.
- 16.14 RODENT CONTROL.** Upon receipt of a written notice or order from the Board of Health or Health Official the owner of any property specified therein shall take immediate measures for rodent control. In the event such control measures are not instigated within the time designated, the Board of Health may instigate condemnation and destruction proceedings or proceed to abate the condition as outlined in the nuisance Sections 03.08 through 03.10.
- 16.15 INTERFERENCE WITH ENFORCEMENT.** No person shall interfere with any member of the Board of Health, County Health Official, or Peace Officers in the discharge of any duty imposed by law or the Regulations of the Board of Health.
- 16.16 RIGHT TO ENTER PREMISES.** Whenever the Board of Health or the County Health Official has reasonable grounds to believe a violation of this ordinance exists, he/she may enter upon and make an inspection of such premises, dwelling, or other building to gather necessary information, including water samples or other specimens for the purpose of laboratory analysis. The owner or occupant of such premises shall permit any Board of Health member or County Health Official to enter such premises to make such inspection and to obtain such samples, at the request of any Board of Health member or County Health Official. Such inspections shall be made between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, and other times with the consent of the occupant, or in case of any emergency. These provisions shall apply to all premises, buildings or dwellings, vacant or occupied. The County Health Official may make as many additional inspections of such premises as are deemed necessary. Every occupant of a dwelling unit or its premises at all times for the purpose of making such repairs or alterations as necessary to effect compliance with the provisions of this ordinance or with any lawful regulation adopted or any lawful order issued pursuant to the provisions of the ordinance.

16.17 REFUSAL OF ADMITTANCE-SEARCH WARRANT. In the event the Board of Health member or County Health Official shall be refused entry to make an inspection to carry out the provisions of this ordinance, the Board of Health Member or County Health Official may make application for a search warrant pursuant to the provisions of Iowa Code 808.14. Upon issuance of a warrant, the Board of Health Member or County Health Official may execute the warrant. At the request of the Board of Health Member or County Health Official, the sheriff shall assist in the execution of the warrant.

16.18 NOTICE.

(1) Whenever any member of the Board of Health, the County Sanitarian or assistant sanitarian, or any other county health official designated by the Board of Health determines that there are reasonable grounds to believe there has been a violation of any provision of this ordinance, he/she shall give notice of such alleged violation to the person or persons responsible, as thereof provided. Such notice shall:

- (a) Be in writing.
- (b) Include a statement of the reasons why it is being used.
- (c) Allow reasonable time for the performance of any act it requires.
- (d) Be served upon the owner or his/her agent or occupant, as the case may require.

Such notice shall be deemed to be properly served upon him personally, or if a copy is sent by certified mail to his/her last known address; or if he/she is served with such notice by any other method authorized or required under laws of this state.

(2) This provision is not meant to limit any Board of Health member or County Health Official right of entry during his/her investigation.

16.19 APPEAL. In the event any person is aggrieved by any order made by the County Health Official, he/she may within twenty (20) days upon receipt of notice 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 review the action of the County Health Official, and if reasonable grounds exist, shall modify, withdraw, or order compliance with the said order.

16.20 VIOLATIONS AND PENALTIES. Each violation of any provisions of this ordinance shall be a separate offense, and each additional day of neglect or failure to comply with such provision, rule or lawful order after notice of violation by the Board of Health shall constitute a separate offense. Any person, firm or corporation which knowingly violates any provision of this ordinance or any lawful order, written or oral, of Clarke County Board of Health or its authorized Agents, shall be guilty of a County Infraction pursuant to Iowa Code Section 331.307. This section does not preclude an officer of the County from issuing a criminal citation for a violation of a State Code or regulation if criminal penalties are provided for the violation.

This ordinance shall be in effect after its final passage, approval and publication as provided by law.

ADOPTED AND PASSED by the Clarke County Board of Supervisors this 9th day of May, 2001.

CLARKE COUNTY BOARD OF SUPERVISORS

CLARKE COUNTY AUDITOR

TERRY ROBINS, CHAIRMAN

JUDY CHURCH

DON REASONER, MEMBER

JACK COOLEY, MEMBER