

ORDINANCE NO. 28
MONONA COUNTY NUISANCE ORDINANCE

ARTICLE I
GENERAL

SECTION 1. TITLE

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

SECTION 2. PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with, and authorized by 2009 Iowa Code Chapter 657, Nuisances, and 2009 Iowa Code Chapter 331, County Home Rule. The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens and safety of property of Monona County providing for removal of nuisances.

SECTION 3. DEFINITIONS

- A. The term “refuse” shall mean all waste, trash, garbage, junk, junk machinery, rubbish, ashes or other substances, whether such substances be wood, paper, metal, plastic, organic, or other type of product offensive to sight and smell or dangerous to the public or individual health that are placed on or in any public or private place.
- B. The term “junk vehicle” shall mean any unlicensed vehicle stored within the unincorporated area of the County and which has any one of the following characteristics:
 - 1. Broken Glass. Any vehicle with a broken or cracked windshield, window or headlight or any other cracked or broken glass.
 - 2. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, or door handle or window handle or steering wheel, truck top or trunk handle, or tailpipe.
 - 3. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, snakes, or any other vermin or insect.
 - 4. Flammable fuel. Any vehicle which contains gasoline, or any other flammable fuel.
 - 5. Inoperable. Any motor vehicle that lacks an engine, or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable.
 - 6. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

C. For the purpose of this Ordinance the term “nuisance means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances.

1. The erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, unreasonable offensive smells, loud or excessive noise levels, or other annoyances, becomes injurious and dangerous to public health, comfort, or property of individual or the public, or which causes unreasonable distress to the occupants of any residence or public building located in the vicinity.
2. The storage, collection, discharge, or deposit of any offal, filth or noisome substance in any private or public place to the prejudice of others.
3. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. The corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.
7. Junk motor vehicles, or any portions thereof located on any private or public property.
8. Any objects or structure hereafter erected within one thousand feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
9. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers of such articles, unless stored in a building of fireproof construction.
10. Any building or structure 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 or in such a condition that is likely to threaten the health or safety; of others.

11. Property which is not connected to public drainage systems when said property can be connected to a public drainage system from an abutting property, and when said connection is necessary for public health or safety.
 12. A dense growth of weeds, vines, brush, or other growth which constitutes a health, safety, or fire hazard.
 13. An accumulation of refuse in any private or public place, including but not limited to: Decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing materials, scrap metal, pallets, fuel storage containers, tools, tires and wheels, furnaces, home appliances, furniture, plumbing fixtures, construction materials, amusement park devices, metal, pipes, rubber, glass bottles, machinery, wood, brick, cement block, all terrain vehicles, toys bicycles, junk or any other substances in which flies, mosquitoes, other disease carrying insects, rodents or other vermin can harbor.
 14. Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure, or discharging into a body of water.
 15. Use of a Recreational Vehicle as a primary residence without permitted electric, water, and sewage connections.
 16. Any condition that is conducive to the reproduction or harborage of flies, mosquitoes, rodents, and other vermin of public health significance so as to threaten the health and safety of others.
 17. Carcasses of dead animals that have not been disposed of after death as provided by law.
- D. The installation and continued use of outdoor lighting that produces glare and/or light trespass that may decrease security, creates hazards through glare, or creates a distraction which prohibits or interferes with the enjoyment of life or property, shall be declared a nuisance.
1. The term “light trespass” shall mean spill light falling over property lines that illuminate adjacent grounds or buildings in an objectionable manner.
 2. The term “glare” shall mean the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss in visual performance and visibility.

SECTION 4. SCOPE OF ORDINANCE

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

ARTICLE II PROCEDURES

SECTION 1. NUISANCE 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 Monona County Board of Supervisors, or other authorized County officer finds that a nuisance exists as defined in this Ordinance, the Monona County Board of Supervisors 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 Monona County Board of Supervisors 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.

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 Monona County Auditor.

SECTION 5. REQUEST FOR RECONSIDERATION

Any person ordered to abate a nuisance may appeal to the Monona County Board of Supervisors for reconsideration as to whether a nuisance exists. A request for reconsideration must be made in writing and delivered to the Monona County Board of Supervisors within the time stated in the notice. A time and date for reconsideration shall be set by the Monona County Board of Supervisors.

Following the reconsideration hearing the Monona County Board of Supervisors shall render a written decision either affirming or overruling its initial determination that a nuisance existed. The findings of the Monona County Board of Supervisors 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, Monona 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 a 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 which shall be punishable by a civil penalty against the owner of the property or any other individual in a lawful possession of the property, in an amount not to exceed that allowed by Iowa Code Section 331.307(1), as now or hereafter amended.

Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes as separate offense.

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 Iowa Code Section 331.307, as now or hereafter amended.

ARTICLE III
MISCELLANEOUS

SECTION 1. SEVERABILITY

This Ordinance and nay amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is hereby provided that he 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 **23** day of **June**, 2009.

Stanley Skow, Chairman
Monona County Board of Supervisors

ATTEST: _____
Brooke Kuhlmann, Monona County Auditor