

WINNEBAGO COUNTY ORDINANCE NO. 5

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WINNEBAGO COUNTY, IOWA

AN ORDINANCE DEFINING AND PROVIDING FOR THE ABATEMENT OF NUISANCE
IN WINNEBAGO COUNTY, IOWA.

Sections:

1. Purpose.
2. Definitions.
3. Nuisances prohibited.
4. Notice to abate nuisance.
5. Contents of notice to abate.
6. Method of service.
7. Request for hearing.
8. Abatement by county.
9. Abatement in emergency.
10. Collection of cost of abatement.
11. Installment payments.

SECTION 1. PURPOSE. The purpose of this ordinance is to define and prohibit nuisance to public and private property in the unincorporated area of the county and provide for their abatement.

SECTION 2. DEFINITIONS. For use in this ordinance, certain terms or words used herein shall be interpreted or defined as follows:

A. "Nuisance" shall mean whatever is injurious to health, indecent or offensive to the senses, or an obstacle to the free use of property so as to essentially interfere with the comfortable enjoyment of life or property. The following, but not limited to the following, may be found to be nuisances:

1. The erecting, continuing or using of any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and

dangerous to the health, comfort, or property of individuals or to the public.

2. The causing or suffering of any offal or filthy substance to be collected or to remain in any place to the prejudice of others.

3. The emission of dense smoke, noxious fumes, fly ash, or other particulate matter.

4. The maintaining of any accumulations of refuse, junk, or inoperable vehicles and/or equipment, except in a junkyard operated under county permit.

5. Trees infected with a disease, infested with insects, or dead trees that may pose a hazard.

6. Impeding passage of river. The obstructing or impeding without legal authority the passage of any river or body of water.

7. The corrupting or rendering unwholesome or impure the water of any stream, pond or aquifer or unlawfully diverting a stream from its natural course or state, to the injury or prejudice of others.

8. Effluent from a septic tank or drainfield or ponding of polluted water over an overloaded or non-operating drainfield or to a waterway or the ground surface.

9. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of traffic

approaching an intersection from cross roads in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

10. All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise to such an extent that the same endanger the safety of the public.

11. Blocking public and private ways. The obstructing or encumbering by fences, building, or otherwise the public roads, right-of-ways, private ways, landing places, or burying grounds.

12. Any use of property abutting on a public roadway which causes large crowds of people to gather, obstructing traffic and free use of the roadways.

13. Any use of property or any storage or disposal of any materials and substances of any nature whatsoever on such property which creates an unsanitary, immoral, or unsafe condition on such property, or which endangers the free use and enjoyment of property by adjoining owners, or which creates any condition injurious to the public health, safety, comfort, or morals.

14. Any discharge of liquids or placing of rocks, trees, snow, or debris or parking of vehicles or equipment within the right-of-way of public roadways which may prove to be a safety hazard, be offensive, or interfere with the

maintenance of the public roadway and right-of-way.

15. All abandoned wells and cisterns not securely covered or secured from public use.

16. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway or right-of-way 20 feet above the roadway or right-of-way surface; or any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof.

17. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

18. All limbs of trees which project over a public roadway or right-of-way less than 20 feet above the surface thereof.

19. All wires over roadways, right-of-ways or public grounds which are strung less than 20 feet above the surface of the street or ground.

20. All loud and discordant noises or vibrations of any kind.

21. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public roadway or right-of-way.

22. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child.

23. Any growth of weeds, unkept lawns, or other noxious growths upon any property within the county.

24. Any storage of vehicles, equipment or materials in a front yard in the county.

SECTION 3. NUISANCES PROHIBITED. The creation or maintenance of a nuisance is hereby prohibited, and a nuisance, public or private, may be abated in the manner provided in this ordinance.

SECTION 4. NOTICE TO ABATE NUISANCE. Whenever any County official finds that a nuisance exists, the County shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

SECTION 5. CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

1. A description of what constitutes the nuisance.
2. A location of the nuisance.
3. A statement of the act or acts necessary to abate the nuisance.
4. A reasonable time within which to complete the abatement.

5. A statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the County may abate the nuisance and assess the costs against such person.

SECTION 6. METHOD OF SERVICE. The notice may be served by the County Sheriff's Department or sent by certified mail to the property owner.

SECTION 7. REQUEST FOR HEARING. Any person ordered to abate a nuisance may have a hearing with the County Board of Supervisors as to whether a nuisance exists, to request a change in the acts necessary to abate the nuisance, or to request an extension of time for the prescribed abatement. A request for a hearing must be made in writing and delivered to the County Auditor within seventy-two (72) hours after receipt of the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Board at a time and place fixed by the Board. The findings of the Board shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

SECTION 8. ABATEMENT BY COUNTY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the County may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the County Auditor who shall pay such expenses on behalf of the County.


SECTION 9. ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of an immediate danger to life, limb, property or safety to the public, the County may abate the nuisance by whatever action deemed necessary without prior notice. The County shall assess the costs as provided in Section 10 of this ordinance.

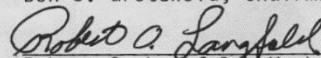
SECTION 10. COLLECTION OF COSTS OF ABATEMENT. The County Auditor shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within 30 days, he shall certify that the costs shall then be collected with, and in the manner, as general property taxes.

SECTION 11. INSTALLMENT PAYMENTS. If the amount expended to abate the nuisance exceeds \$100.00, the County shall permit the assessment to be paid in up to ten (10) installments, to be paid in the same manner and with the same interest as benefited property.

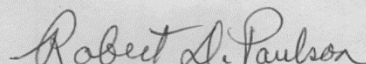
Winnebago County Ordinance No. 5 was considered for the first reading and passed by unanimous vote of the Winnebago County Board of Supervisors on Tuesday, September 1, 1987 and Winnebago County Ordinance No. 5 is hereby approved and adopted upon second and final reading by unanimous vote of the Winnebago County Board of Supervisors this 8th day of September, 1987.

WINNEBAGO COUNTY BOARD OF SUPERVISORS


Don S. Grotewold, Chairman


Robert O. Langfeld, Member

Atlanzo Johnson, Member

ATTEST: 
Robert D. Paulson
County Auditor