

CHAPTER 55

PUBLIC HEALTH NUISANCES

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55.01 PURPOSE. The purpose of this chapter is to provide minimum standards for the protection and safeguard of life, health, property, and the general public welfare by regulating and controlling health nuisances.

55.02 APPLICABILITY. The provisions contained herein apply to all nuisances occurring within unincorporated Story County and all incorporated places in Story County which have not established a city board of health.

55.03 AUTHORITY. Pursuant to the *Code of Iowa*, Chapter 137 Local Boards of Health, the Story County Board of Health adopts the rules contained in this chapter necessary for the protection and improvement of public health.

55.04 DESIGNATED AGENCY. Pursuant to the *Code of Iowa*, Chapter 137 Local Boards of Health, the Story County Environmental Health Department (EH) is the designated agency to interpret, monitor and enforce the rules contained in this chapter.

55.05 PUBLIC HEALTH NUISANCE PROHIBITED. The creation or maintenance of a public health nuisance is prohibited.

55.06 PUBLIC HEALTH NUISANCE DEFINED. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property, is a nuisance.

55.07 WHAT DEEMED NUISANCES.

1. All decayed or unwholesome food offered for sale to the public.
2. All diseased animals running at large.
3. Carcasses of animals not buried or destroyed within 24 hours.
4. Garbage or refuse cans which are not fly tight.
5. The pollution of any well, cistern, spring, tile system, lake, river, stream, canal, or body of water
6. The use, sale or storage of any toxic substance in such a manner as to constitute a hazard to the public.

7. Any building or structure in which people are housed or congregate for any purposes, which building has become dangerous for further occupancy because of structural, sanitary, or other defects.
8. Any building or place that is conducive to the breeding, harboring, feeding or shelter of any vermin or pests, such as (but not limited to) flies, mice, cockroaches or rats.
9. Any water supply for human consumption which is pathogenically or chemically unsafe according to the latest Federal Environmental Protection Agency's standards.
10. Accumulations of manure, rubbish, derelict appliances, broken furniture, or other solid waste that remains in place for a duration that would be injurious to public health and safety.
11. Any home, building, structure, or site where hazardous material has been found following clinical reporting, departmental investigation or analytical testing resulting in positive identification of the hazard. Examples of some common hazardous materials include: lead, asbestos, molds, carbon monoxide gas, radon gas and formaldehyde gas.
12. Emission of dense smoke, noxious fumes, or fly ash into the air.

55.08 INSPECTIONS. Whenever EH has reasonable grounds to believe that a public health nuisance exists, an inspection may be made of such premises, dwelling, or other building in order to gather information and evidence. Information and evidence may include, but is not limited to, taking statements from residents and neighbors, taking pictures, measuring distances, and collecting water samples, soil samples, and other necessary specimens for the purpose of laboratory analysis. The EH shall enter such premises to make inspections and to obtain samples as are necessary for the investigation. Such inspection shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and at other times with the consent of the occupant, or in case of emergency. The provisions of this section shall apply to all premises, buildings, or dwellings, vacant or occupied. EH may make as many additional inspections of such premises as are deemed necessary.

55.09 CLOSING OF PREMISES. In such cases, the Board of Health may order the occupants to vacate premises where a nuisance exists, and determine a reasonable time to abate the nuisance violation or cause the reduction of hazards. If the order is not complied with, said Board may cause the occupants to be forcibly removed and close the premises, and said place shall not again be occupied as a dwelling or place of business without the written permission of the Board.

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