

Section 5. Public Health Safety

A. Purpose

It is the desire and responsibility of the Boone County Board of Health to ensure public health and safety for Boone County. It should be known that the Board of Health desires a clean and aesthetic environment while maintaining individual property rights for Boone County citizens.

B. What is Deemed a Nuisance

The following are nuisances:

- a. 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, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
- b. The causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
- c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
- d. Discharging any untreated sewage to the ground surface or into any portion of the County Tile Drainage System.
- e. 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.
- f. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
- g. The depositing or storing of flammable products such as chemicals or random piles of demolition materials unless in a building.
- h. The dumping or storing of any industrial, commercial or household appliances outside of a permitted salvage yard, storage facility or sanitary landfill.
- i. The storing of 3 or more unlicensed inoperable vehicles not associated with the restoration of classic cars.
- j. The excessive storing of tires, batteries, or other vehicle parts not associated with a permitted salvage yard, storage facility or sanitary landfill.
- k. The excessive leaching of motor oil onto the surface of the ground.
- l. Any building or mobile home that been abandoned or is in a dilapidated condition that creates a health hazard.
- m. The depositing or storing of excessive metals not associated with the operation of a licensed salvage yard, maintenance of farm machinery, or permitted construction operation.
- n. "Whatever is injurious to health, indecent, or unreasonable to the senses, or an obstruction to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the same and to recover damages sustained on account thereof." (Iowa Administrative Code Chapter 657.2)

C. Process of Nuisance Abatement

1. Complaint Received

The complainant shall file a written complaint on such forms available in the Planning and Development Department/Health and Sanitation Department. The applicant may choose to be anonymous as optioned on the Complaint Form. If no option is chosen, the form will be considered public record.

The County Sanitarian, or his/her designee, shall visit the site to determine if there are physical conditions that may create or are creating a public health/safety hazard or nuisance. Staff may use such evaluation forms as approved by the Board of Health. Observations shall be documented to support Staff findings. Staff documentation should include but not be limited to taking photos, chronologically organize events, and locate hazards.

Staff will verify if violations do exist by determining if conditions identified, in some reasonable way, affect the safety, health, or general welfare of the public. In most cases, the following conditions are not considered hazards to public health and safety: deteriorated properties that are structurally sound, weeds, odors, noise, piles of wood, or barking dogs. However, excessive amounts of salvageable materials such as appliances, automobiles and metals may be considered a health hazard.

The following are examples of conditions that usually are considered a hazard to public health and safety: Open or abandoned wells and cisterns, unsecured falling structures, untreated sewage, accumulated garbage, rodent infestations, chemical wastes, and air contaminants.

The Board of Health certainly can make recommendations and referrals (to other policies, regulations, agencies or persons) to help on nuisances evaluated as non-public hazards, **but the Board of Health only has a responsibility to assure that public health hazards are addressed.**

Once Staff has made a determination that a public health/safety hazard exists, the following steps shall be carried out:

- a. Staff will contact the responsible party of the hazardous conditions and give reasoning why the conditions present a hazard to public health/safety and request a timely response to abate the hazards. Timelines shall be established with consideration given to the severity of the condition. Staff will keep detailed/precise documentation of dates and contacts.
- b. If an unsatisfactory response or no response is received, Staff should prepare a more detailed request in writing. Outline the observations and reasons why the conditions are considered to be a threat to the public's /community's health. Give a specific time limit for a response and ask for a plan for correction. Staff should be prepared to forward copies of documentation and evidence to the county attorney in case legal action becomes necessary.
- c. If still no response, Staff should return to the site with previous documentation and photos to confirm existence of conditions. Staff must repeatedly and carefully document and photograph findings. Staff shall prepare a final request, similar to the previous one, but with the additional statement, that the case will be referred to the county attorney if a satisfactory response is not received. The County Attorney should be consulted for further action.
- d. If there is still no response, Staff should meet with the County Attorney and present the file of

investigation notes, letters, photographs, and request legal action.

2. Staff Discovery of Nuisance

If any member of the Boone County Staff discovers the existence of a nuisance, the requirements noted in 0. shall be followed. Staff shall fill out a complaint form and clearly identify that the complainant is a member of the Boone County Staff.