



**FLOYD COUNTY ORDINANCE 2007-3**  
**NUISANCE ORDINANCE**

Be it enacted by the Board of Supervisors of Floyd County, Iowa: An ordinance of Floyd County, Iowa, providing procedure for notice and abatement of specifically defined nuisances in the County of Floyd, State of Iowa.

Be it ordained by the Floyd County Board of Supervisors, State of Iowa, that the following Nuisance Ordinance is hereby adopted by the Floyd County Board of Supervisors.

1. **DEFINITIONS.**

- A. Fishing, Hunting, Contraband. Any property, tangible or intangible, used to violate any section or subsection of Iowa Code Chapter 481, 481A, 481B, 482, 483A, 484A or 484B.
- B. Houses of Prostitution or Gambling. Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of prostitution or gambling, as well as all furniture, fixtures, musical instruments, and movable property used in conducting or maintaining such building, erection, or place.
- C. Speakeasy. The premises where the unlawful manufacture or sale or keeping with intent to sell, use or give away, of alcoholic liquors, wine or beer is carried on, and any vehicle or other means of conveyance used in transporting liquor, wine or beer in violation of law, and the furniture, fixtures, vessels, contents kept or used in connection with such activities.
- D. Abandoned Buildings. Any building or structure located in Floyd County used or intended to be used for residential purposes, including buildings or structures in which some floors may be used for retail storage, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and other floors are used, designed, or intended to be used for residential purposes that has remained vacant and has been in violation of the housing code of the applicable location of the building for a period of six consecutive months.
- E. Roadway Obstruction. Any person, partnership or corporation who makes, or causes to be made, any obstruction mentioned in Iowa Code Section 319.7, in such traveled way and any officer responsible for the care of such highway who knowingly fails to remove said obstruction.
- F. Junk. Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, or wrecked automobiles, or parts of automobiles, or iron, steel or other old or scrapped ferrous or nonferrous material.
- G. Junkyard. Any establishment or place of business which is maintained, operated or used primarily for storing, keeping, buying or selling junk; and the term includes garbage dumps, sanitary fills and automobile graveyards.
- H. Inoperative Motor Vehicle. Any of the following:
  - 1. A motor vehicle that does not have a valid title;
  - 2. A motor vehicle that does not have a current registration, unless the motor vehicle is in the inventory of a motor vehicle dealer licensed under Iowa Code Chapter 322;
  - 3. A motor vehicle with one or more of the following items missing or in need of substantial repair: windshield, driver's seat, steering wheel or steering system,

battery, ignition system, fuel tank or fuel supply system, engine, transmission, drive shaft, differential, axle, suspension system, break system or frame;

4. A motor vehicle that is not immediately capable of legal operation on a public road or street.
  - I. Noxious Fumes. The erecting, continuing or using any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious inhalations, unreasonable offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
  - J. Offensive Collection. The causing or suffering of any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
  - K. Impeding Waterways. The obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
  - L. Polluting Waterways. 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.
  - M. Obstructing Roads. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or baron grounds.
  - N. Houses of Ill Repute. Houses of ill fame, kept for the purposes of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A, or places resorted to by persons using controlled substances, as defined in Section 124.101, subsection 5, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted in the disturbance of others.
  - O. Signage. 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.
  - P. Airport Obstruction. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including takeoff and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
  - Q. Flammable Junk. The depositing or storing of flammable junk, including, but not limited to, old rags, rope, cordage, rubber, bones and paper by dealers in such articles within the fire limits of a county, unless in a building of fireproof construction.
  - R. Harmful Emissions. The emission of dense smoke, noxious fumes or fly ash in the county.
  - S. Dense Vegetation. Dense growth of all weeds, vines, brush or other vegetation in any county so as to contribute a health, safety, trees or fire hazard.
2. **NUISANCE**. Anything listed in Paragraph 1 of this Ordinance is a nuisance. Any person, partnership of any form, joint enterprise, limited liability company, or corporation or any agent, employee, or independent contractor of any such person, partnership of any form, limited liability company, or corporation in possession or control of anything listed in Paragraph 1 of this Ordinance is guilty of a nuisance. Such nuisance shall be abated.

3. **PROCESS.** When upon indictment, complaint, or civil action any person is found guilty of erecting, causing, or continuing a nuisance, the person shall be required to abate such nuisance as deemed necessary by the county health officer.
4. **NOTICE.** When a nuisance in Floyd County is found, the person or entity erecting, causing or continuing said nuisance shall be given notice, either by personal service or certified restricted mail of the specific property found to be a nuisance.
  - A. Said notice shall be addressed to the owner of said property found to be, or containing, a nuisance. The notice shall contain a statement of any and all specific steps or procedures required for the abatement of said nuisance, should the county reasonably believe said steps or processes are needed.
  - B. The owner of said property found to be, or containing, a nuisance, shall contact the county health officer when all steps or procedures listed in the Notice are completed. If no communication is received by the county health officer, the nuisance shall be presumed to be continued.
5. **TIME LIMITATION.** The person or entity receiving notice of a nuisance shall have thirty (30) days from the date of service to abate such nuisance. The date of service shall be indicated by the date of a return of service, if personal service is made, or the date in which the person or entity returns such receipt of certified mail.
6. **NONCOMPLIANCE.** When a person or entity who has received notice of a nuisance does not abate such nuisance within thirty (30) days of receipt of notice, the county shall make such arrangements as are reasonably necessary to abate the specific nuisance contained in the notice sent.
7. **TAKING OF PROPERTY.** If the county deems it necessary to take an individual's or entity's property to abate a nuisance, the county shall file a petition with the Clerk of the District Court stating the facts necessary to show the necessity of the taking of the property to abate such nuisance. The person or entity listed as the Defendant in such petition shall have twenty (20) days in which to respond to said petition. The Court shall schedule a hearing no less than 30, and no more than 60 days from the filing of the petition to determine if said taking of property is necessary to abate such nuisance. The burden of proof shall be on the county. The burden of proof shall be by a preponderance of the evidence.
8. **ORDER.** The Court shall, at the conclusion of the hearing, make a finding whether the county has proven the necessity of the taking of the person's or entity's property by a preponderance of the evidence. If the county has not so proved said necessity, the Court shall order the county's petition be dismissed. If the Court finds the county has proven the necessity of the taking, the Court shall order the county to take the person's or entity's property necessary to abate such nuisance.
9. **ADDITIONAL FINE.** Any and all relief stated above shall be in addition to a fine of \$315.00 per violation, should the Court order as such.

10. REIMBURSEMENT. The County shall receive reimbursement for all costs incurred in abating a nuisance pursuant to Section 6.

11. PAYMENT. The County shall pay an amount of money equivalent to the replacement value of any property taken to a person or entity whose property is taken pursuant to Section 7.

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

1<sup>st</sup> reading 8/14/07  
2<sup>nd</sup> reading 8/28/07  
3<sup>rd</sup> reading 9/25/07

Motion by Supervisor Staudt and seconded by Supervisor Enabnit to approve the final reading of Floyd County Ordinance 2007-3, Nuisance Ordinance.

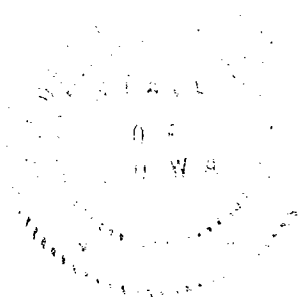
Vote taken resulted as follows:

Ayes - Staudt, Enabnit, Dunkel  
Nays - \_\_\_\_\_  
Absent - \_\_\_\_\_

Passed and approved by the Floyd County Board of Supervisors on this 25 day of September, 2007.

ATTEST: Gloria A Carr  
Gloria A. Carr, Auditor

BOARD OF SUPERVISORS, FLOYD COUNTY  
Warren K. Dunkel  
Warren K. Dunkel, Chairman



STATE OF IOWA  
Floyd County,

I, Gene A. Hall Publisher, (Editor) of the CHARLES CITY PRESS, in said County, do hereby state that I certify under penalty of perjury and pursuant

**Legal Notice • Legal Notice**

to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Thursday on the 9th day of August A.D., 2007 and ending with the issue of, \_\_\_\_\_, 20\_\_\_\_.

Notice of Public Hearing  
The Board of Supervisors of Floyd County, Iowa, will meet at the Floyd County Courthouse, Charles City, Iowa, on the 14th day of August, 2007, at 10:15 o'clock a.m., at which time and place a hearing will be held in regard to a Nuisance Ordinance. A summary of the proposed ordinance reads as follows:

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I. DEFINITIONS. A. Fishing, Hunting, Contraband. B. Houses of Prostitution or Gambling. C. Speakeasy. D. Abandoned Buildings. E. Roadway Obstruction. F. Junk. G. Junkyard. H. Inoperative Motor Vehicle. I. Noxious Fumes. J. Offensive Collection. K. Impeding Waterways. L. Polluting Waterways. M. Obstructing Roads. N. Houses of Ill Repute. O. Signage. P. Airport Obstruction. Q. Flammable Junk. R. Harmful Emissions. S. Dense Vegetation.

2. NUISANCE. Anything listed in Paragraph I. of this Ordinance is a nuisance. Any person, partnership of any form, joint enterprise, limited liability company, or corporation or any agent, employee, or independent contractor of any such person, partnership of any form, limited liability company, or corporation in possession or control of anything listed in Paragraph 1 of this Ordinance is guilty of a nuisance. Such nuisance shall be abated.

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8. ORDER. The Court shall, at the conclusion of the hearing, make a finding whether the county has proven the necessity of the taking of the person's or entity's property by a preponderance of the evidence. If the county has not so proved said necessity, the Court shall order the county's petition be dismissed. If the Court finds the county has proven the necessity of the taking, the Court shall order the county to take the person's or entity's property necessary to abate such nuisance.

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

The ordinance in its entirety may be inspected in the Floyd County Auditor's office, 101 S Main St, Charles City, IA, 50616 Monday through Friday between 8 a.m. and 4:30 p.m. Residents or property owners of the County unable to attend the hearing may file any written or oral objections or support of said ordinance with the Floyd County Auditor. During the hearing, the Board will receive oral or written objections from any resident or property owner of the County.

This notice is given by order of the Board of Supervisors of Floyd County, Iowa, in accordance with Sections 331.302 and 331.305 of the Code of Iowa.

Floyd County Board of Supervisors  
By Gloria Carr, Floyd County Auditor  
No. 13330  
08/09/07

Acknowledgement and charges for above service \$ 25.19

Subscribed and sworn to before me this 9th day of August A.D., 2007

Barbara A. Lensing  
Notary Public in and for the State of Iowa

FAIT  
AUG 28 2007

BARBARA A. LENSING  
Commission Number 145004  
My Commission Expires  
October 8, 2008

BY: Hearing 13330

FILED  
FLOYD COUNTY, IOWA  
2007 AUG 10 AM 11:00

