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Jasper County, Iowa  
Denise Allan County Recorder .

File **2019-00003671**

## ORDINANCE NUMBER 19-1

**Preparer Information:**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF JASPER COUNTY, IOWA, FOR THE PURPOSE OF PROHIBITING NUISANCES WITHIN THE COUNTY AND PROVIDING FOR ENFORCEMENT AND PENALTIES

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Auditor*

**ORDINANCE NO. 19-1**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF  
JASPER COUNTY, IOWA FOR THE PURPOSE OF PROHIBITING  
NUISANCES WITHIN THE COUNTY AND PROVIDING FOR  
ENFORCEMENT AND PENALTIES**

Be it Ordained by the Board of Supervisors of Jasper County, Iowa, that:

**SECTION 1.** The Code of Ordinances of Jasper County, Iowa is hereby amended by adding a new chapter, Chapter 66, entitled "Nuisance Abatement" as follows:

**66.01           DEFINITIONS.**

As used in this chapter, the following terms are defined:

1. "Abatement: The removal, discontinuation, or correction of a nuisance.
2. "County Infraction" means, except for those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, the commission of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code of Ordinances, or any ordinance or code herein adopted by reference, or the omission or failure to perform any act or duty required by this Code of Ordinances or any ordinance or code herein adopted by reference, is punishable by civil penalty as provided herein.
3. Enforcement Officer: The individual designated by the Board of Supervisors to enforce the provisions of this Chapter, or such designee thereof.
4. Nuisance: 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, which shall include, without limitation, the following:
  - a. Any nuisance as described by Iowa Code Chapter 657 (2019), which is incorporated by this reference;
  - b. Discarding or causing to be discarded, placed, thrown, deposited, or dropped any solid waste on any county land, county right-of-way, or land owned by private property located within the county;
  - c. Causing an accumulation of refuse, to the prejudice of others;
  - d. Maintaining any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that is a menace to the health of people residing therein or in the vicinity thereof, or any building that is defined as abandoned or a public nuisance by Iowa Code Chapter 657A (2019);
  - e. Maintaining facilities for the storage or processing of sewage which do not comply with the Jasper County Board of Health regulations;
  - f. Fences or retaining walls that are not structurally sound or which are deteriorating as may be evidenced by leaning or loose elements;

- g. Maintaining conditions which are conducive to the harborage or breeding of vermin
- 5. "Repeat Offense" means a recurring violation of the same section of this Chapter.
- 6. "Solid Waste" means garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials. Solid waste includes, but is not limited to, old tires, household appliances, furniture, mechanical equipment, construction and demolition debris, brush or yard waste, and junk or inoperable vehicles or parts of vehicles.

**66.02 NUISANCES PROHIBITED.**

It shall be unlawful for any person or entity to permit, maintain, or cause a nuisance upon public or private property within the County.

**66.03 ENFORCEMENT.**

This Chapter shall be enforced by the Director of Community Development or the Director's designee, or the County Sheriff or the Sheriff's designee.

**66.04 VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.**

A county infraction is punishable by a civil penalty as provided in this section, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code.

1. Schedule of Civil Penalties

First offense	\$ 250.00
Second and each additional repeat offenses	\$500.00

- 2. Repeat Offenses. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- 3. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude a county from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

**66.05 CIVIL CITATIONS.**

Any officer authorized by the County to enforce this Chapter may issue a civil citation to a person who commits a county infraction. The citation shall be served and filed in accordance with the provisions of Iowa Code § 331.307 (2019).

**66.06 CRIMINAL PENALTIES.**

This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. In addition, this chapter does not preclude or limit the authority of the County to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

**SECTION 2.** Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

**SECTION 3.** Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4.** Jurisdiction. This ordinance shall apply in any unincorporated area within Jasper County, Iowa and within any unincorporated town or city without any applicable ordinance covering the subject matter herein regulated.

**SECTION 5.** Effective Date. This ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

Passed and approved this 2nd day of July, 2019 following three readings (or due waiver thereof in the manner allowed by law).

Supervisor	Aye	Nay
Denny Carpenter	X	
Doug Cupples	X	
Brandon Talsma	X	

First Reading Passed: 7-02-2019

Second Reading Passed: waived

Third Reading Passed: waived

Denny Carpenter  
Denny Carpenter, Chairperson Jasper  
County Board of Supervisors

ATTEST:

Treasurer/Deputy  
Dennis K. Parrott, Auditor