

Cerro Gordo County

To The Honorable Board of Supervisors  
Recapitulation

Fees, Mileage & Miscellaneous Fees Collected in Civil Cases for Month of August 2025:

<u>Mileage</u>	<u>Fees</u>	<u>Miscellaneous*</u>
\$473.84	\$10,529.26	\$8,577.26

Total Civil & Miscellaneous Fees earned for August 2025-----\$19,580.36

Miscellaneous\*

Credit Account No.

Purchasing Permit	75.00	001 4415 051 1060 1
Weapon Permit	1,080.00	001 4410 051 1060 1
Ins./Pub Record/Golf Cart	5.00	001 5040 051 1060 1
D. L. Printouts	0.00	001 5030 051 1060 1
Fingerprints & Dyn.	220.00	001 4420 051 1060 1
Offender Reg	225.00	001 4450 051 1060 1
Fees & Mileage	11,003.10	001 4400 051 1060 1
Room and Board	<u>6,972.26</u>	001 4440 053 1050 1
	\$19,580.36	

August 29, 2025 – Issued Check #1120 in the amount of \$19,580.36 to Cerro Gordo County Treasurer.

David Hepperly, Sheriff  
Cerro Gordo County



Adam Wedmore, Auditor  
Cerro Gordo County



## **ORDINANCE 11C: HEALTH NUISANCE ORDINANCE CERRO GORDO COUNTY, IOWA**

### **1. PURPOSE**

The purpose of this ordinance is to protect the health, safety, and general welfare of the residents of Cerro Gordo County, Iowa by regulating health nuisances within unincorporated and incorporated places in the County outside the city limits of any city possessing and enforcing their own Nuisance Ordinance. These provisions are intended to aid in the control and elimination of activity which interferes with an owner's reasonable use and enjoyment of the owner's property or interferes with public rights such as free passage along streams and highways and enjoyment of public parks and places of recreation and to be secure from fire, safety hazards and other health hazards throughout the County.

### **2. SCOPE**

This ordinance shall be applicable in all incorporated and unincorporated municipalities (city or township) within the boundaries of Cerro Gordo County under the jurisdiction of the Cerro Gordo County Board of Supervisors.

Where a local community has a housing ordinance or public nuisance ordinance, this ordinance shall apply in addition to that local ordinance and may serve to supplement the local community's enforcement of its ordinance(s).

### **3. DEFINITIONS**

As used in this ordinance, the following definitions shall apply:

**ABANDONED BUILDING:** Any building or portion thereof which has stood with an incomplete exterior shell for six (6) months or longer which meets one (1) or more of the following criteria:

- A. Is unsecured;
- B. Is unoccupied; and/or
- C. Is in violation of the International Property Maintenance Code, International Building Code, and/or International Fire Code adopted by the Board of Supervisors.

**ABATE/ABATEMENT:** The removal or discontinuance of a nuisance or the making of improvements needed to effect a rehabilitation of property to bring it into compliance with existing health regulations and to maintain safe and habitable conditions over the remaining useful life of the property, including, but not limited to: repair, removal, cleaning, exterminating, cutting, mowing, grading, sewer or septic system repairs, draining, securing, repairing a building or structure, boarding unoccupied buildings, barricading or fencing, removing dangerous portions of buildings or structures and demolition of dangerous structures or abandoned buildings.

**ADMINISTRATIVE AUTHORITY:** The Cerro Gordo County Board of Health or its designee(s).

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

**COUNTY:** Cerro Gordo County

**EMERGENCY:** Unforeseen circumstances requiring prompt action to prevent, avoid or minimize any significant possibility of loss of life, serious injury, transmission of infectious disease, or significant damage to real estate.

**GARBAGE:** All solid, semisolid, and liquid putrescible animal and vegetable waste including all such waste from, or derived from, public and private businesses and residences. Any matter that is not wanted or needed.

**HAZARDOUS WASTE:** Those wastes defined in the Code of Iowa, as amended, and the Iowa Administrative Code, as amended.

**JUNK:** Anything considered to be useless, worthless, or of low quality, including, but not limited to:

- Motor vehicle(s) lacking current registration, rendering them incapable of legal use on public roadways;
- Motor vehicle(s) which are dismantled or inoperable;
- Any wood, metal, plastic or composite pieces remaining outside of a legal structure for more than forty-eight (48) hours, except those that are stored in a manner to protect their utility, prevent deterioration, and are used at the site within the time span of a construction project;
- Dismantled or inoperable machinery or parts thereof;
- Operable or inoperable appliances or parts thereof, including but not limited to discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight doors or lids, snap locks or other locking devices which may not be released from the inside;
- All scrap copper, glass, lead or any other nonferrous metal;
- Iron, steel or other scrap ferrous material;
- Tinware, plastic or discarded household goods;
- Rope;                      • Rags;                      • Rubber debris;
- Crockery;                • Batteries;                • Construction & building materials;
- Paper;                    • Tires;                    • Electronics;
- Any other kind of scrap or waste and/or abandoned items.

**NOXIOUS SUBSTANCES:** Substances (solid, fluid, or gaseous) which are offensive, detrimental to health, hurtful or dangerous, including, but not limited to, any dead animal or portion thereof, and human or animal excrement.

**OPEN BURNING:** Any burning of combustible materials where the products of combustion are emitted into the open air without passing through a permanently constructed chimney or stack.

**OWNER:** The record owner of any real property, and any person having a property interest in the property, including legal or equitable interests.

**PERSON:** Any individual, firm, corporation or other legal entity and authorized agents and/or officer thereof.

**PROPERTY:** Both real and personal property.

**REFUSE:** All putrescible and non-putrescible solid wastes, with the exception of bodily wastes, including, but not be limited to, garbage, rubbish, yard waste, ashes, street sweepings, dead animals, and residential waste.

**RESPONSIBLE PARTY:** Any person having ownership, possession, or control of real or personal property, including, but not limited to, any one or more of the following:

- An agent;
- An assignee or collector of rents;
- A contract seller or contract purchaser;
- The holder of a deed to the property;
- A mortgagee or vendee in possession;
- A receiver, executor, administrator or trustee;
- Lessee and lessor; and/or
- Any other person, firm, partnership, incorporation, or entity exercising control over the property.

**SOLID WASTE:** Any waste that is putrescible, non-putrescible, combustible or noncombustible, including, but not limited to, trash, garbage, material resulting from the handling, processing, storage, preparation, serving and consumption of food, vegetable or animal matter, offal, rubbish, ashes, incinerator residue, street cleanings, construction debris, and solid industrial waste.

**VERMIN:** Various small animals or insects species that are destructive, objectionable, annoying or injurious to health and are often difficult to control, including but not limited to cockroaches, bed bugs, lice, fleas, mosquitoes, flies, mice and rats, skunks, snakes, bats, raccoons, starlings, and/or pigeons.

**YARD WASTE:** The accumulation of grass, leaves, tree trimmings under three (3) inches in diameter, brush and garden residue, which accumulation is located in a confined area.

#### **4. NUISANCES DEFINED**

The term “nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

- a. The erecting, continuing, or using 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 of any offal, filth, or noisome substance to accumulate 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. The polluting 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.

- e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
- f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, places resorted to by persons participating in criminal gang activity, or places resorted to by persons using controlled substances, in violation of law, or houses where drunkenness, quarreling, fighting, or breaches of the peace are carried on or permitted to the disturbance of others.
- g. 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.
- h. Any object or structure erected within one thousand (1000) feet of the limits of any municipal or regularly established airport of landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
- i. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper by any person, including a dealer in such articles, unless in a building of fireproof construction.
- j. The emission of dense smoke, noxious fumes, or fly ash.
- k. Dense growth of all weeds, vines, brush, or other vegetation so as to constitute a health, safety, or fire hazard.
- l. Conditions which are conducive to the harborage or breeding of or infestations of vermin.
- m. Unoccupied or unoccupied portions of buildings that are unsecured or abandoned buildings or structures.
- n. Any hazardous thing or condition on the property which may contribute to the injury of any person present on the property, including, but not limited to, open holes, open foundations, excavations, open wells, dangerous trees or tree limbs, abandoned refrigerators and/or trapping devices.
- o. Any building or other structure which has been burned, partially burned, or otherwise partially destroyed, which is unsightly or hazardous to the safety of any person or structurally unsound to the extent that the administrative authority or its designee(s) reasonably determines there is a likelihood of personal or property injury to any person or property entering the premises.
- p. Carcasses of animals not disposed of within twenty-four (24) hours after death.
- q. Inoperable or dismantled junk vehicles.
- r. Anything or condition on property creating a fire hazard.

- s. Open burning of combustible materials, excluding recreational fires, fires set for the purpose of training of public or industrial employees in fire-fighting methods, burning of landscape waste at a distance of at least one-quarter (1/4) mile from any inhabited building.
- t. Any building or portion thereof in which any of the following listed conditions exist either individually or in combination with each other to the extent of being injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property:
  - Infestation of vermin;
  - General dilapidation or improper maintenance;
  - Lack of adequate garbage and rubbish storage and removal facilities;
  - Hazardous or unsanitary premises. Those premises on which an accumulation of weeds, vegetation, junk, hazardous waste, noxious substances, dead organic matter, debris, garbage, offal, filth, vermin harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health, or safety hazards;
  - Deteriorated or ineffective waterproofing of exterior walls, roof, foundation, or floors including broken windows or doors;
  - Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protection covering;
  - Broken, rotten, split, or buckled exterior wall or roof coverings;
  - Likelihood of any portion or member or appurtenance thereof to fail or become detached or dislodged or to partially or completely collapse and thereby injure persons or damage property;
  - Inoccupancy for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance, a harborage for vagrants or vermin, and/or hazard to the public.
- u. Miscellaneous: any act done or committed by any person or any substance or thing kept, maintained, placed, or found in or on any public or private place which is annoying or damaging or injurious or dangerous to the public health, welfare, or safety and every action or thing done, permitted, maintained, allowed, or continued on any public or private property, by any person which is liable to or does endanger, annoy, damage, or injure any person or inhabitant of the County or property of said person or inhabitant.

## **5. NUISANCES PROHIBITED**

The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, should be abated in the manner provided in this ordinance or may be prosecuted as a simple misdemeanor or a county infraction, or both.

## **6. REFUSAL OF ADMITTANCE**

In the event the administrative authority or its designee(s), in proceeding to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, a complaint may be made through the magistrate court to request a search warrant. If for any reason, the magistrate is not available, a request for a warrant would be made to the District Court in the County and said Court may thereupon issue a warrant directed to a peace officer of the County, commanding them between the hours of sunrise and sunset, accompanied by the administrative authority or designee(s), to enter upon the premises



and make such inspection, and to obtain such samples as may be required to carry out the provisions of this ordinance.

## **7. NOTICE TO ABATE NUISANCE OR CONDITION**

Whenever the administrative authority or their designee(s) has probable cause to believe that a nuisance or other condition listed in this ordinance exists, they may cause to be served upon the responsible party or property owner as shown by the records of the County Auditor, a written notice to abate the nuisance within a reasonable time after notice.

### **A. CONTENTS OF NOTICE:** A notice to abate shall contain the following:

1. A description of the alleged nuisance or other condition to include a listing of the applicable portions of this ordinance.
2. The physical location of the alleged nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or prohibited condition.
4. The required time within which the owner must complete the abatement.
5. A statement that if the property owner wishes to dispute the determination that a nuisance or any other condition as prohibited by this ordinance exists, such responsible party, property owner, or their representative shall make a written request to the administrative authority on or before the time prescribed in the notice which shall not be more than ten (10) days from the date of notice.
6. A statement that if no request for hearing is made within the prescribed time that the nuisance or other prohibited condition shall conclusively be presumed to exist.
7. A notice that the property owner or responsible party may be subject to civil and/or criminal charges and associated fines.
8. A statement that, if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the administrative authority or its designee(s) may seek a court judgment and an order allowing the County to abate the nuisance and assess damages, the costs of abatement, and civil penalties against the person and/or property.

### **B. METHOD OF SERVICE**

The notice to abate shall be served either by a.) registered or certified mail using the last known address of record, b.) an officer authorized to serve a warrant, c.) if the owner of the property is unknown or absent and has no known representative upon whom notice can be served, the administrative authority shall post a written notice in a conspicuous place upon the premises where the nuisance exists or d.) administrative authority can post notice at the owner's primary residence.

### **C. REQUEST FOR HEARING AND APPEAL**

Upon service of notice, the property owner or responsible party may appeal to the administrative authority, in writing, within ten (10) days, or it will conclusively be determined that a nuisance or prohibited condition exists and it must be abated as ordered.

The administrative authority, after notice to the property owner or responsible party, shall hold a hearing on the appeal. At the conclusion of the hearing the administrative authority shall render a written decision as to whether a nuisance or prohibited condition exists. If the administrative authority finds that a nuisance or prohibited condition exists, they must order it abated with a time reasonable under the circumstances. An appeal of this decision may be had by appeal to the District Court of Cerro Gordo County within twenty (20) days of the hearing date.

### **D. EMERGENCY ABATEMENT**

When the administrative authority or its designee(s) determines that a nuisance exists and that such nuisance constitutes an imminent and compelling danger to health, safety or welfare of persons or

property, the administrative authority or its designee(s) are authorized to abate or cause to be abated the nuisance without prior notice to the owner. The costs of such action may be assessed against the property in the same manner as property tax.

#### **E. ABATEMENT BY ADMINISTRATIVE AUTHORITY**

If the person or responsible party notified to abate the nuisance or condition neglects or fails to abate as directed in the amount of time specified, the administrative authority or its designee(s) may perform the required action to abate, keeping an accurate accounting of the expenses incurred. The expense accounting shall be fully itemized, verified, and filed with the County Treasurer who shall place a lien upon said property and/or personal judgement against the person responsible and shall be assessed against the property in the same manner as a property tax. The costs of abatement, to include the cost of title searches, inspection, and testing, the cost of notification, court costs, and administrative costs may be assessed against the property, person, and/or responsible party.

#### **F. PENALTIES**

Any violation of the provisions of this ordinance shall be punishable by a civil penalty against the owner of the property or any other individual in lawful possession in an amount not to exceed that allowed by Iowa Code Section 331.307, now or hereafter amended. Each day of violation shall constitute a separate offense. If the administrative authority or its designee(s) chose to move forward with a civil penalty, both evidence and the charging decision will be transferred to a peace officer (such as a Deputy Sheriff in unincorporated areas, or local law enforcement in a municipality) to further investigate and determine probable cause, and issue and serve the citation.

Adopted By:

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Chris Watts, Chairman  
Cerro Gordo County Board of Supervisors

Approved By:

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David Moore, Chair  
CG Public Health, Board of Health