

TITLE IV – HEALTH ORDINANCES (Chapters 30-37)

CHAPTER 30**GENERAL ENVIRONMENTAL HEALTH REGULATIONS**

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30.01 PURPOSE.

This Chapter addresses the accumulation of garbage, trash, solid waste, and organic waste upon private property in Warren County.

30.02 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. “Board of Health” means the Warren County Board of Health.
2. “County Sanitarian” means Warren County Environmental Health.
3. “Garbage” means any organic waste resulting from the handling, preparation, and consumption of food or of material intended for use of food that is likely to decay.
4. “Health Hazard” means any condition which can or has the potential to cause injury or sickness to human or animal life, or to the environment.
5. “Nuisance” means whatever is injurious to health, is 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, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance. Iowa Code Section 657.1(1) (2020).
6. “Open Dumping” means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

7. “Rodent and Pest” means any rodents or pests that have caused or have the potential to cause a health hazard. This includes but is not limited to rats, mice, mosquitoes, roaches, bees, and wasps.
8. “Rodent and Pest Harborage” means any condition which provides shelter or protection for rodents or pests, thus favoring their multiplication and continued existence in, under, or outside any structure.
9. “Refuse” means wastes that will or will not decay, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, and market and industrial solid wastes.
10. “Sanitary Disposal Project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Executive Director of the Iowa Department of Natural Resources (“Iowa DNR” or “DNR.”)
11. “Solid Waste” means garbage, refuse, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Iowa Code 321.1(90).
12. “Yard Waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

30.03 GARBAGE AND REFUSE.

No owner or lessee of any public or private premises shall permit to accumulate upon his or her premises any garbage or refuse except in covered containers meeting County specifications. Such containers shall be constructed in such a manner as to be strong, not easily corrodible, rodent proof, insect proof, and shall be kept covered at all times except when garbage is being deposited therein or removed therefrom.

30.04 SEPARATION OF YARD WASTE REQUIRED.

All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises. Consult the County’s designated landfill for information regarding disposal of yard waste. Composting, incineration and/or land application are appropriate methods of disposal of yard waste accumulated on private property.

30.05 EMERGENCY CONDITIONS.

In the event of a natural disaster or other emergency conditions, as established by the Warren County Board of Supervisors, special disposal procedures may be implemented by the Board.

30.06 HEALTH HAZARD.

It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste or refuse, either in containers or not, that shall constitute a health or sanitation hazard.

30.07 OPEN DUMPING PROHIBITED.

No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary landfill facility, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Iowa DNR. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

30.08 SANITARY DISPOSAL REQUIRED.

It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance. Consult the County's designated landfill for information regarding sanitary disposal of refuse.

30.09 NUISANCES PROHIBITED.

The creation or maintenance of a nuisance is prohibited. The Board of Health can make recommendations and referrals (to other policies, regulations, agencies, or persons) to help regarding nuisances evaluated as non-public health hazards. However, the Board of Health only has a responsibility to assure that public health hazards are addressed.

30.10 ABATEMENT OF A NUISANCE.

The Board of Health may order the owner, occupant, or person in charge of any property, building, or other place, to remove at his or her own expense any nuisance, source of filth, cause of sickness, or any health hazard found thereon by serving upon said person a written notice stating the nuisance must be abated within 30 days. Failure to abate the nuisance within 30 days of the written notice may result in the Board of Health removing the nuisance at the expense of the owner.

30.11 COST OF ABATING A NUISANCE.

All expenses incurred by the Board of Health in proceeding to abate a nuisance may be covered by suit in the name of the Board of Health, or the Board of Health may certify the amount of said expenses, together with a description of the property to the County Treasurer who shall enter the same upon the tax books as costs for removing a nuisance and said amount shall be collected as other taxes.

30.12 RODENT AND PEST ATTRACTION.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any structure or any property so that the same may afford food or harborage for rodents or pests.

30.13 RODENT AND PEST HARBORAGE.

It shall be unlawful for any person to permit to accumulate on any property any articles or materials that may constitute a rodent or pest harborage. Such articles or materials shall be placed on racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked.

30.14 RODENT AND PEST CONTROL.

Upon receipt of a written notice or order from the Board of Health, the owner of any property specified therein shall take immediate measures for rodent and pest control. In the event such control measures are not instigated within the time designated, the Board of Health may instigate condemnation and destruction proceedings or proceed to abate the condition as outlined in the nuisance Sections 30.09 through 30.11.

30.15 INTERFERENCE WITH ENFORCEMENT.

No person shall interfere with members of the Board of Health, the County Sanitarian, or peace officers in the discharge of any duty imposed by law or the regulations of the Board of Health.

30.16 RIGHT TO ENTER PREMISES.

The Board of Health or the County Sanitarian may enter any building, property, or other place for the purpose of examining any possible nuisance, source of filth, source of sickness or health hazard.

30.17 REFUSAL OF ADMITTANCE.

If any member of the Board of Health or the County Sanitarian is refused entry to any place, complaint may be made under oath to any court or competent jurisdiction for a court order authorizing any member of the Board of Health or the County Sanitarian to enter such place for the purpose of examining any possible nuisance, source of filth or sickness, or health hazard.

30.18 APPEAL.

Any person who feels aggrieved by any notice or order made by the Board of Health or the County Sanitarian shall have the right to appeal to the Board of Health at the next regular meeting of the Board of Health. The Board of Health by majority vote shall modify, withdraw, or order compliance with the said order.

30.19 PENALTIES.

Any person found to be in violation of Chapter 30 herein shall be subject to civil penalties set forth in Chapter 2, County Infractions, Warren County Code of Ordinances. Enforcement of penalties pursuant Chapter 2 County Infractions does not preclude enforcement of penalties under the Code of Iowa.

30.19 SEVERABILITY CLAUSE.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, paragraph, provision, or part thereof not adjudged invalid or unconstitutional.

