

CHAPTER 1197**COUNTY ASSESSMENTS FOR ABATEMENT OF HAZARDS***H.F. 366*

AN ACT authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 331.384 ABATEMENT OF PUBLIC HEALTH AND SAFETY HAZARDS — SPECIAL ASSESSMENTS.**

1. A county may:
 - a. Require the abatement of a nuisance, public or private, in any reasonable manner.
 - b. Require the removal of diseased trees or dead wood, except on publicly owned property or right-of-way.
 - c. Require the removal, repair, or dismantling of a dangerous building or structure.
 - d. Require the numbering of buildings.
 - e. Require connection to public drainage systems from abutting property when necessary for public health or safety.
 - f. Require the cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.
2. If the property owner does not perform an action required under this section within a reasonable time after notice, a county may perform the required action and assess the costs against the property for collection in the same manner as a property tax. Notice may be in the form of an ordinance or by certified mail to the property owner as shown by the records of the county auditor, and shall state the time within which action is required. However, in an emergency, a county may perform any action which may be required under this section without prior notice and assess the costs as provided in this section after notice to the property owner and hearing.
3. If any amount assessed against property under this section exceeds one hundred dollars, a county may permit the assessment to be paid in up to ten annual installments in the same manner and with the same interest rates provided for assessments against benefited property under chapter 384, division IV.
4. A special assessment levied pursuant to this section, including all interest and penalties, is a lien against the benefited property from the date of filing the schedule of assessments until the assessment is paid. A special assessment has equal precedence with ordinary taxes and is not divested by judicial sale.
5. The procedures for making and levying a special assessment pursuant to this section and for an appeal of the assessment are the same procedures as provided in sections 384.59 through 384.67 and sections 384.72 through 384.75, provided that the references in those sections to the council shall be to the board of supervisors and the references to the city shall be to the county.

Approved April 26, 1990