

**483A.32 Public nuisance.**

1. Subject to [subsection 2](#), any device, contrivance, or material used to violate a rule adopted by the commission, or any other provision of [this chapter](#) or [chapter 481A](#), [481B](#), [482](#), [484A](#), or [484B](#), is a public nuisance and may be condemned by the state. The director, the director's officers, or any peace officer, shall seize the devices, contrivances, or materials used as a public nuisance, without warrant or process, and deliver them to a magistrate having jurisdiction. An automobile shall not be construed to be a public nuisance under [this section](#).

2. The state may only condemn property seized as a public nuisance if the person from whom the property was seized is convicted of the violation for which the property was seized as a public nuisance.

3. If the person from whom the property was seized is not convicted of the violation for which the property was seized, the department, law enforcement agency, or other governmental agency in possession of the seized property shall return the seized property to the person within thirty days of any of the following:

- a. The date the person is found not guilty of the violation.
- b. The date the action involving the violation is dismissed.
- c. The date the statute of limitations expires for the alleged violation for which the property was seized.

4. For purposes of [this section](#), "convicted" means the same as in [section 481A.13A](#), [subsection 3](#).

[C73, §4052; C97, §2540; SS15, §2539, 2540; C24, 27, 31, §1715; C35, §1794-e16; C39, §1794.099; C46, 50, 54, 58, 62, 66, §110.18; C71, 73, 75, 77, §110.19; C79, 81, §110.32]

[86 Acts, ch 1240, §9](#); [86 Acts, ch 1245, §1878](#)

C93, §483A.32

[98 Acts, ch 1125, §1](#); [2018 Acts, ch 1150, §5](#)

Referred to in [§462A.27](#), [483A.33](#)

Nuisances in general, chapter 657

Nonpermanent structure on public land as public nuisance, see [§462A.27](#)

Section amended