

VERIFYING THE COMPLAINT:

- 1. Go to the location; or first
- 2. Consult witnesses either by telephone or in person.
- 3. If the complaint cannot be verified document the reason for not proceeding.

- 4. Contact individual with whom the complaint is being made.

Name of Individual Contacted:	Association with the complaint:	Date contacted:
Mode of Contact: Phone		

Description of contact:

- 5. If the complaint is verified proceed with setting up an onsite investigation (see onsite investigation form).

DETERMINING A PUBLIC HEALTH NUISANCE

1. DOES THE CONDITION AFFECT THE “PUBLIC?”

If the problem on effects one individual, it is reasonable to expect that other public will also be affected. It is the rare exception that a condition is so isolated as to not affect anyone other than one individual.

- NO:** If the answer to this question is no, than the problem is of a private nature and not within the scope of the board’s authority. Document this determination.

- YES:** If the answer to the question is yes, proceed to the next question.

2. DOES THE CONDITION AFFECT “HEALTH” (i.e., is there a real or potential health risk)?

This question is to determine whether the problem is affecting health.

- a. Can the condition cause or be expected to cause transmission of disease?

- YES
- NO

- b. Does the condition cause or is there a potential for the condition to cause trauma or injury to the public?
 - YES
 - NO
- c. Does the condition constitute or is there a potential for the condition to constitute an exposure to hazardous elements or substances that could adversely affect the health of the public?
 - YES
 - NO
- d. Is the subject of the complaint an unsafe or potentially unsafe structural or environmental concern?
 - YES
 - NO

IF NO WAS CHECKED FOR ALL THE ABOVE QUESTIONS THIS IS NOT A PUBLIC HEALTH NUISANCE. DOCUMENT THE REASONING FOR THIS DETERMINATION.

Reason for dismissing complaint:

IF YES WAS CHECKED IN ANY OF THE ABOVE QUESTIONS THE SITUATION IS A PUBLIC HEALTH NUISANCE AND FURTHER ACTION MUST BE TAKEN.

1. Incomplete Prepare a written Abatement Notice and obtain approval from the Board's Attorney. Include the following.
 - A description of the Public Health Nuisance
 - The Statue violated
 - The location of the Public Health Nuisance and a description of the real estate sufficient for identification.
 - The remedial action required to abate the Public Health Nuisance
 - The compliance deadline (0 – 10 days)
 - A statement developed with the advice of the Board's Attorney that if the remedial action is not taken, the County Board will abate the Public Health Nuisance and charge all costs incurred therein against the real estate as special assessment to be collected in the same manner as property taxes.
2. Incomplete Post a written notice of abatement at the property site.
3. Incomplete If occupant and/or property owner is unknown or absent a reasonable attempt to locate the occupant and/or property owner is made.
4. **FOLLOW-UP OF THE ABATEMENT NOTICE WILL TAKE PLACE WITHIN WORKING DAYS AFTER COMPLIANCE DATE.**

5. PUBLIC HEALTH NUISANCE ABATED?

YES --- If the Public Health Nuisance is abated, the issue is resolved.

- ◇ Incomplete Letter sent, signed by the Designated Agent, notifying the occupant and/or property owner of the resolution.
- ◇ Incomplete Change resolution status to resolved and close case file.

NO --- **If the Public Health Nuisance is not abated, pursue next course of action, which could include:**

- Incomplete Abatement. Removal or abatement of the Public Health Nuisance.
- Incomplete Assessment. Assessment of the cost of abatement or removal as a lien against the property.
- Incomplete Injunctive Relief. The local authority could seek an injunction in district court and prosecute as a civil case.
- Incomplete Prosecution. The local authority could choose to prosecute the violator in criminal court.
- Incomplete Extension. The time period for compliance may be extended if an unusual situation exists, the violator must adequately communicate this situation, and is making acceptable progress toward resolution.

RESOLUTION STATUS: UNRESLOVED