

CHISAGO COUNTY HEALTH & HUMAN SERVICES POLICY

Insert Section Name

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TITLE: Chisago County Public Health Nuisance Policy

I. POLICY NEED STATEMENT

**Use this section to identify the operational concern and why the policy is needed.*

**Explain what the intent of the policy is and the Department's position on the issue.*

**Describe who the policy affects and what actions are impacted by the policy.*

**You may include exclusions as well as inclusions.*

Minnesota Statutes, Chapter 145A.04 places responsibility for Public Health Nuisance Control on Boards of Health. The statute calls for a consistent and timely response to Public Health Nuisance complaints.

Chisago County Public Health has received numerous calls regarding concerns by residents about nuisances that affect their health and/or environment in recent years. The intent of this policy is to address those concerns through education, referral and/or mitigation as needed. The Department of Health and Human Services believes that every resident should live in a healthy environment and strives to provide information to residents to address household and environmental problems that affect their health.

This policy affects the following individuals or agencies: county workers and other organizations that assist residents with nuisance issues; homeowners, landlords, tenants and all Chisago County residents.

II. DEFINITIONS

**Include the definitions of any ambiguous or special terms.*

**All acronyms should be identified when they first appear in the document.*

"Public health nuisance" means any activity or failure to act that adversely affects the public health." [MN Statute 145A.02 – see Appendix]

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III. LEGAL AUTHORITY

**Cite any applicable resolutions, rules, regulations or statutes authorizing or establishing the policy.*

- MN Statute: Chapter 145A.02, Subdivision 17
- MN Statute: Chapter 145A.04, Subdivisions 1, 4, 7, 8-11
- MN Statute: Chapter 145A.08, Subdivisions 2 and 3
- MN Statute: Chapter 13 – Government Data Practices Act
- Ordinances of Cities and Townships in Chisago County that address public nuisances

IV. GENERAL INFORMATION

**Address any special issues, concerns or instructions relating to the design, implementation or history of the policy.*

**Use gender neutral language whenever possible.*

**When personal pronouns are used, the feminine (she/her) and masculine (he/his) are used in alternate paragraphs.*

**Write in uniform grammar style using present tense and active voice.*

Present tense (correct): Requests for reimbursement are submitted on County form.

Future tense (incorrect): Requests for reimbursement shall be submitted on County form.

Active voice (correct): The responsible authority authorizes the expense.

Passive voice (incorrect): The expense is authorized by the responsible authority.

1. All Public Health Nuisance Complaints are investigated.
2. The investigation of each nuisance complaint is normally within ten working days and according to the procedure outlined in the Chisago County Public Health Nuisance Standard Operating Guidelines, a separate document.
4. The Board approves policies, makes budget appropriations, and promotes the concept of a team approach between departments, agencies and affected parties.
5. Complaints under the sole jurisdiction of another agency are referred to that agency.
6. In the event of an imminent threat to public health, immediate action is taken.
7. Discretion to allow an extension or to deviate from the standard procedures is provided when appropriate.

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8. The Chisago County Board of Health handles data in accordance with the Government Data Practices Act) Minnesota Statute Chapter 13.
9. Abatement Notices are pursuant to Minnesota Statutes, Chapter 145A.04, Subdivision 8. (Time to remove or abate the public health nuisance is specified within an abatement notice and must not exceed ten days.)
10. The Board of Health notifies the Board's Attorney whenever legal questions arise, whenever a warrant is requested and whenever abatement orders are considered.
11. All costs for abatement and administration are recovered through assessment, pursuant to Minnesota Statutes, Chapter 145A.04, Subdivision 2.

V. RESPONSIBILITIES

**Indicate the roles of the parties who are responsible for implementing and ensuring compliance of the policy.*

Chisago County workers who receive nuisance calls by county residents listen to their complaints and refer as appropriate. Calls that seem to indicate a substantiated public health nuisance not addressed by city or township ordinances or established county services are referred to Chisago County Public Health.

Chisago County Public Health workers assigned to Public Health Nuisance complaints (acting as agents of the Chisago County Board of Health) listen to resident's concerns and follow the Chisago County Standard Operating Guidelines, a separate document. Questions, concerns or complicated issues are discussed with the Public Health Supervisor or the Community Health Services Administrator.

Public Health Supervisor responds to concerns by public health nuisance workers, helps solve problems, and if needed, brings to the attention of the Community Health Services Administrator.

Community Health Services Administrator responds to concerns by public health nuisance workers or Public Health Supervisor, helps solve problems, and if needed, brings to the attention of the Chisago County Board of Commissioners (acting as the County Board of Health).

Chisago County Board of Health responds by authorizing legal enforcement in the event of lack of response by party responsible for mitigation of public health nuisance and in the absence of other agencies responsible for enforcement of mitigation. Board of Health confers with County Attorney as needed. See Minnesota statutes at the end of this document.

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APPENDIX: MN STATUTES referenced in this document:

145A.02 DEFINITIONS

Subd. 17. **Public health nuisance.**

"Public health nuisance" means any activity or failure to act that adversely affects the public health.

<https://www.revisor.mn.gov/statutes/?id=145A.02>

145A.04 POWERS AND DUTIES OF COMMUNITY HEALTH BOARD.

Subdivision 1. **Jurisdiction; enforcement.** (a) A community health board has the general responsibility for development and maintenance of a system of community health services under local administration and within a system of state guidelines and standards.

Subd. 4. **Acquisition of property; request for and acceptance of funds; collection of fees.** (a) A community health board may acquire and hold in the name of the county or city the lands, buildings, and equipment necessary for the purposes of sections 145A.03 to 145A.131. It may do so by any lawful means, including gifts, purchase, lease, or transfer of custodial control.

(b) A community health board may accept gifts, grants, and subsidies from any lawful source, apply for and accept state and federal funds, and request and accept local tax funds.

(c) A community health board may establish and collect reasonable fees for performing its duties and providing community health services.

(d) With the exception of licensing and inspection activities, access to community health services provided by or on contract with the community health board must not be denied to an individual or family because of inability to pay.

Subd. 7. **Entry for inspection.** To enforce public health laws, ordinances or rules, a member or agent of a community health board, county, or city may enter a building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected.

Subd. 8. **Removal and abatement of public health nuisances.** (a) If a threat to the public health such as a public health nuisance, source of filth, or cause of sickness is found on any property, the community health board, county, city, or its agent shall order the owner or occupant of the property to remove or abate the threat within a time specified in the notice but not longer than ten days. Action to recover costs of enforcement under this subdivision must be taken as prescribed in section 145A.08.

(b) Notice for abatement or removal must be served on the owner, occupant, or agent of the property in one of the following ways:

(1) By registered or certified mail;

(2) By an officer authorized to serve a warrant; or

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(3) By a person aged 18 years or older who is not reasonably believed to be a party to any action arising from the notice.

(c) If the owner of the property is unknown or absent and has no known representative upon whom notice can be served, the community health board, county, or city, or its agent, shall post a written or printed notice on the property stating that, unless the threat to the public health is abated or removed within a period not longer than ten days, the community health board, county, or city will have the threat abated or removed at the expense of the owner under section 145A.08 or other applicable state or local law.

(d) If the owner, occupant, or agent fails or neglects to comply with the requirement of the notice provided under paragraphs (b) and (c), then the community health board, county, city, or a designated agent of the board, county, or city shall remove or abate the nuisance, source of filth, or cause of sickness described in the notice from the property.

Subd. 9. **Injunctive relief.** In addition to any other remedy provided by law, the community health board, county, or city may bring an action in the court of appropriate jurisdiction to enjoin a violation of statute, rule, or ordinance that the board has power to enforce, or to enjoin as a public health nuisance any activity or failure to act that adversely affects the public health.

Subd. 10. **Hindrance of enforcement prohibited; penalty.** It is a misdemeanor to deliberately hinder a member of a community health board, county or city, or its agent from entering a building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected, or otherwise to interfere with the performance of the duties of the responsible jurisdiction.

Subd. 11. **Neglect of enforcement prohibited; penalty.** It is a misdemeanor for a member or agent of a community health board, county, or city to refuse or neglect to perform a duty imposed on an applicable jurisdiction by statute or ordinance.

<https://www.revisor.mn.gov/statutes/?id=145A.04&format=pdf>

145A.08 ASSESSMENT OF COSTS; TAX LEVY AUTHORIZED.

Subd. 2. **Assessment of costs of enforcement.**

(a) If costs are assessed for enforcement of section 145A.04, subdivision 8, and no procedure for the assessment of costs has been specified in an agreement established under section 145A.07, the enforcement costs must be assessed as prescribed in this subdivision.

(b) A debt or claim against an individual owner or single piece of real property resulting from an enforcement action authorized by section 145A.04, subdivision 8, must not exceed the cost of abatement or removal.

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(c) The cost of an enforcement action under section 145A.04, subdivision 8, may be assessed and charged against the real property on which the public health nuisance, source of filth, or cause of sickness was located. The auditor of the county in which the action is taken shall extend the cost so assessed and charged on the tax roll of the county against the real property on which the enforcement action was taken.

(d) The cost of an enforcement action taken by a town or city under section 145A.04, subdivision 8, may be recovered from the county in which the town or city is located if the city clerk or other officer certifies the costs of the enforcement action to the county auditor as prescribed in this section. Taxes equal to the full amount of the enforcement action but not exceeding the limit in paragraph (b) must be collected by the county treasurer and paid to the city or town as other taxes are collected and paid.

Subd. 3. Tax levy authorized.

A city council or county board that has formed or is a member of a community health board may levy taxes on all taxable property in its jurisdiction to pay the cost of performing its duties under this chapter.

History:

1987 c 309 s 8; 1Sp1989 c 1 art 5 s 6; 2014 c 291 art 7 s 25

<https://www.revisor.mn.gov/statutes/?id=145A.08>

CHAPTER 13

The full text of Chapter 13 is 176 pages and can be found at <https://www.revisor.mn.gov/statutes/?id=13&view=chapter>

13.01 GOVERNMENT DATA.

Subdivision 1. **Applicability.**

All government entities shall be governed by this chapter.

Subd. 2. **Citation.**

This chapter may be cited as the "Minnesota Government Data Practices Act."

Subd. 3. **Scope.**

This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities. It establishes a presumption that government data are public and are accessible by the public for both inspection

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and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Subd. 4. **Headnotes.**

The headnotes printed in boldface type before paragraphs in this chapter are mere catchwords to indicate the content of a paragraph and are not part of the statute.

Subd. 5. **Provisions coded in other chapters.**

(a) The sections referenced in this chapter that are codified outside this chapter classify government data as other than public, place restrictions on access to government data, or involve data sharing.

(b) Those sections are governed by the definitions and general provisions in sections 13.01 to 13.07 and the remedies and penalties provided in sections 13.08 and 13.09, except:

(1) For records of the judiciary, as provided in section 13.90; or

(2) As specifically provided otherwise by law.

History:

1979 c 328 s 1; 1981 c 311 s 1,39; 1Sp1981 c 4 art 1 s 4,5; 1982 c 545 s 24; 1991 c 319 s 1; 1999 c 227 s 22; 2000 c 468 s 1,2; 2005 c 163 s 3,4

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