



Public Health
Prevent. Promote. Protect.

Public Health Nuisance Sample Procedure



Local Public Health Association
of Minnesota
Association of
Minnesota Counties

Purpose: To provide a systematic process for responding to Public Health Nuisance complaints.

Procedure:

I. Complaint Received

- a. Counties may consider having a clear and advertised complaint process for community members to submit potential public health nuisance complaints.
- b. Designated staff receives and reviews the complaint and forwards it on to the appropriate personal.
- c. Complete screening intake form (see examples on website).

A multi-disciplinary investigative team could include members of human services, law enforcement, planning & zoning, environmental services, county attorney, county auditor, law enforcement, animal control, or child and/or adult protection.

II. Declare Complaint as a Nuisance

- a. Notify witness and/or subject of the complaint of nuisance inspection by telephone or through a letter.

III. Schedule Inspection

- a. Determine a team to conduct inspection.
- b. Notify the owner of the nuisance of the inspection.
- c. If needed, coordinate with law enforcement or animal control for assistance during the inspection.
- d. If applicable, notify municipality of the inspection.

IV. Conduct Inspection

V. Refer to the flowchart provided in the appendix to determine if the complaint is indeed a public health nuisance

- a. Bring the following items to inspection site:
 - i. Camera, to document evidence of a public health nuisance (refer to sample intake form).
 - ii. Public health nuisance fact sheet (sample provided).

VI. Abatement Notice

- a. If the complaint is determined to be a public health nuisance, prepare an abatement notice (sample provided in appendix).
- b. Serve abatement notice and Minnesota State Statute 145A.04 to the property owner regarding the outcome of the inspection.

VII. Follow-Up

- a. Re-inspect the property within 10 working days (per Minnesota State Statute 154A.04).
 - i. Extension: At the discretion of the county, an extension may be granted to the property owner.
- b. If needed: complete second order to abatement form.
- c. Re-inspect the property until the nuisance is abated (following the same procedure as above).

VIII. Enforced Abatement

- a. If the nuisance is not abated, the county may consider the following actions:
 - i. **Abatement:** Removal or abatement of the nuisance by the County and procured refuse hauler. Assessment of the cost of abatement may be included as a special assessment to be collected in the same manner as property taxes, per Minnesota Statute 145A.04, Sub. 8.
 - ii. **Injunctive relief:** The county may consider an injunction in district court and prosecute as a civil case, per Minnesota Statute 145A.04, Sub. 9.

Counties may consider developing a formal policy with municipalities that outlines clear responsibilities for public health nuisances between counties and municipalities.

IX. Resolution

- a. If the nuisance is abated, the issue is resolved. A sample resolution letter can be found in the appendix.