

Public Nuisance Fact Sheet:

What is a public health nuisance?

A public health nuisance is defined by Minnesota law as any activity or failure to act that adversely affects the public health¹. More broadly, it can be described as a situation in which the presence of substances or unsanitary conditions are likely to foster disease or endanger the health and safety of the individuals, neighbors, and the community.

Examples:

- Hazardous waste
- Accumulation of decaying matter or trash that attracts insects or rodents.
- Accumulation of junk that is dangerous or injurious to the safety of individuals.
- Open wells

Why is it important to address public health nuisances?

Local governments are charged with protecting the health of their communities and residents by enforcing state and local public health nuisance laws. Public health nuisances must be addressed to protect the public health and safety of the community. Nuisances that go without proper attention may lead to the foreclosure of properties which can lead to a budget strain for counties. Upstream changes that prevent the potential of nuisances can save the county money and help improve the community.

Determining Types of Nuisances

Public Health Nuisance	Public Nuisance	Private Nuisance
A public nuisance is a situation in which the presence of substances or unsanitary conditions are likely to foster disease or impair or endanger the health and safety of the dwelling, its neighbors, or the community.	A public nuisance refers to conditions or situations that obstruct, cause inconvenience, or adversely affects the property rights of members of household neighbors, or persons living in the vicinity. ²	A private nuisance is one that affects an individual's right to enjoyment of some property or activity but does not necessarily affect the community. ³

County considerations:

- **Develop an internal policy or procedure to identify and address public health nuisances.** This may help counties address nuisances in a timely fashion that will make the process easier for staff and the owner of the nuisance property.
- **Establish and rely on relations with the county attorney and county board.** Developing a strong relationship with the county attorney can assist county staff with legal coverage when they are enforcing nuisance laws and ordinances. A strong relationship with the county board can ensure

¹ <https://www.revisor.mn.gov/statutes/cite/145A.02#stat.145A.02.17>

² <https://www.house.mn.gov/hrd/pubs/nuislaws.pdf>

³ <https://www.house.mn.gov/hrd/pubs/nuislaws.pdf>

all parties are updated on potential nuisance cases where the board may need to approve forced abatement.

- **Develop a strong relationship with municipalities, Environmental Services, and Human Services.** Public health nuisance abatement may require collaboration with human services and environmental services to properly abet the nuisance and connect the property owner with services. A strong relationship can help make these cases easier for the property owner and county staff. A clear policy to determine city or county responsibility can result in more timely abatements.