

Wright County Public Health Policies & Procedures

Public Health Nuisance Inspection

Purpose:

To provide a framework for the Wright County Public Health staff in responding to complaints regarding a public health nuisance. A public health nuisance is any activity or failure to act that adversely affects the public's health.

Policy:

1. It is the policy of Wright County Public Health Department to enforce the Local Public Health Act, Minnesota Statutes, Chapter 145A.
2. In the event of an imminent threat to Public Health, immediate action shall be taken.
3. Discretion to allow an extension or to deviate from the standard procedures shall be provided.
4. The Wright County Public Health Department is the designated agent for public health nuisances. Public Health staff will communicate appropriate and timely information to Planning & Zoning, Sheriff's Office and County Attorney's Office.
5. The Wright County Planning & Zoning is the designated agent for all complaints that relate to septic systems and/or sewer.
6. The Board shall approve procedures, make budget appropriations, and promote the concept of a team approach between appropriate departments and/or agencies.
7. All information gathered by any agent about a public health nuisance, constitutes confidential data while the investigation is active and is not subject to public disclosure. Once an investigation is inactive, the data becomes public.
8. All costs for abatement and administration may be recovered through assessment, pursuant to Minnesota Statutes, Chapter 154A.08, Subdivision 2.

Procedures:

1. Complaints will be documented on the public health nuisance complaint form. Anonymous complaints will be accepted.
2. The complaint should be presented to the Public Health Nursing Director for assignment of an investigator and to the Human Services Director as information.

3. The Designated Agent will coordinate the actions of a multi-disciplinary investigative team, when appropriate, that may include representatives from the following areas;

- a. Public Health, Child Protection, Adult Services
- b. Planning & Zoning, City Building Inspector(s)
- c. Law Enforcement, Fire Department
- d. County Attorney

4. All complaints should be investigated within 10 working days of the original complaint.

5. The investigating person(s) shall be the designated agent(s) of the Wright County Human Services Board.

6. The agent may enter a building, conveyance or place where contagion, infection, filth or other source of a preventable disease exists, or may be reasonably suspected. The agent shall attempt to notify the owner of the property either by phone or written letter, prior to making the inspection. If access is denied or if access is physically impossible (chain link fence, locked home, etc.), the agent will go no further. There must be contact with the County Attorney's Office for an administrative search warrant for execution in conjunction with local law enforcement.

7. When making the inspection, the agent shall take pictures of the property and also document in writing the condition of the site. If samples are required from the site, the agent will ensure to document where, when and how the sample was obtained. The agent will identify each person who handles any sample; the agent must ensure the seal was not broken and the sample was not disturbed. The agent again must reestablish the identification and seal procedures.

8. The agent shall create a written report of the inspection done of the site, specifying whether the site was determined to be a public health nuisance. The agent will make the determination of a public health nuisance based on the amount of solid waste, putrescible waste, and location of the waste, length of time the waste has been on the site, and local community standards or ordinances relating to the waste.

9. If the agent determines that the site is a public health nuisance, the County Attorney's Office shall send a notice of abatement or removal to the owner, occupant, or agent of the property by registered mail or by personal service. If the owner of the property is unknown or absent, and has no representative upon whom notice can be served, the agent shall post a written or printed notice of abatement or removal in a prominent place on the property. The notice shall state that unless the threat to public health is removed within a period not longer than 10 days, the board will have the threat abated and removed at the expense of the owner pursuant to Section 145A.08 or other applicable laws.

10. The agent shall inspect the property on the tenth day following the notice of abatement.

11. If the agent determines that the public health nuisance has not been abated, the agent shall oversee the removal or abatement of the nuisance, source of filth or cause of sickness described in the notice on the property.

12. The Wright County Board of Commissioners shall contract with; a refuse hauler, testing lab, excavator and disposal sites that will be notified at the time it is determined that a public health nuisance has not been abated or removed. The refuse hauler, testing lab, excavator and disposal sites must be licensed and bonded.

13. When the refuse hauler is removing the public health nuisance, the agent shall videotape the proceedings and document by tape recording the objects removed. A written report on the removal shall be documented. The agent and one other county employee shall be present at the removal.

14. The agent shall send the bill for removal to the property owner or his agent. If the bill is unpaid at the end of the year, or if the owner or his agent is unknown, the agent will certify the costs to the County Auditor as a special tax against the real property as provided by law.

Approved on April 23, 2007***