

**Jackson County Health Department**

**Environmental Health Division**

**Nuisance Abatement Policy and Procedure**

 **POLICY 10**

**LEGAL AUTHORITY**: Ohio Revised Code 3707.01

Ohio Revised Code 3707.01 states that,

 “***The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders. Except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, the board may regulate the location, construction, and repair of water closets, privies, cesspools, sinks, plumbing, and drains. In cities having such departments or exercising such power, the legislative authority, by ordinance, shall prescribe such rules and regulations as are approved by the board and shall provide for their enforcement.***

***The board may regulate the location, construction, and repair of yards, pens, and stables, and the use, emptying, and cleaning of such yards, pens, and stables and of water closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate.***

***When a building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent, or other person having control thereof or responsible for such condition, and may prosecute him for the refusal or neglect to obey such order. The board may, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify such nuisance and certify the costs and expense thereof to the county auditor, to be assessed against the property and thereby made a lien upon it and collected as other taxes.”***

**POLICY:**

The Jackson County Health Department needs citizen cooperation to assist in the prevention and elimination of public health nuisances. Both the Health Department and citizens have a responsibility in this effort to maintain a healthy and safe environment.  The nuisance complaint process can be a vital part of this effort when it is used appropriately.

A concerned citizen should take the following steps prior to filing a formal complaint with the Health Department:

1. Ask yourself if the nuisance condition is public health related.  The enforcement ability of the Jackson County Health Department is limited to conditions which are of public health concern that are breaking laws and rules of the state of Ohio and Jackson County.  A condition may certainly appear to be a nuisance to you, but it may not be an illegal public health nuisance.  See the types of complaints below or contact a Jackson County Health Department sanitarian.
2. Address your concerns to the offending party, and try to work out a solution directly.  If you attempt to resolve the problem in this way, but are unsuccessful, then it may be appropriate to file a complaint.

**Housing Complaints**

The Jackson County Health Department enforces the Housing, Building and Premises Maintenance Regulations. Both the landlord and tenant have specific responsibilities under the Ohio Landlord/Tenant Law. In most cases that do not involve a public health nuisance to the general public the complaint should be resolved through the provisions of the Landlord/Tenant Law. Southeastern Ohio Legal Services, 866-529-6446 may be able to assist those who qualify by age or income.

**Other Types of Complaints**

The following types of complaints are handled by the agencies listed.

* Air Pollution & Open Burning – Ohio EPA, 740-385-8501
* Dogs Running at Large – local law enforcement agency or Jackson County Dog Warden, 740-286-7262
* High Weeds – municipality or township trustees
* Smoking in Prohibited Locations – Ohio Department of Health, 866-559-6446
* Trash in Waterways – Ohio Division of Wildlife, Wildlife Officer, 740-589-9986

**PROCEDURE :**



NUISANCE COMPLAINT PROCESS SUMMARY FOR SANITARIANS

1. Complaint Form received if it is fully completed

2. Input data into HDIS > Public Health Nuisances

3. Create address file with address label for all documentation (photos, certified letters, receipts, phone logs, communications, etc)

4. Input all solid waste related nuisances into Excel Log Form located at “eh” server > Solid Waste Landfill and C&DD > Solid Waste District Monthly Reports

A. A complaint must be in writing before it can be investigated.  This is to provide sufficient detail as to the location and the nature of the complaint so that an adequate investigation can be made. Citizen complaints are not accepted over the phone.  Exceptions may be made for emergency situations such as a loss of heat in a rental unit during cold weather or loss of potable water in a rental unit for an extended period of time.

B. The complaint form must be filled out in full with directions to the location of the alleged nuisance and the details of the nuisance condition.  The complaint should be signed, and an address and daytime phone number provided.  It is important that the inspecting sanitarian be able to contact the complainant if more information is needed.

C. The complaint file becomes a public record after the nuisance is abated or if no public health nuisance is found to exist. Anyone may obtain a copy of the complaint file at that point.

D. If there is evidence of a violation of rule, law, ordinance, statute, or code observed during the investigation, a letter shall be mailed to the owner(s) of the property where the nuisance was observed. The following shall be included in the letter:

1. The date of when the Environmental Health Division received the written complaint, and when and where the investigation was conducted.

2. The nature of the observed nuisance(s) shall be explained in detail to the property owner(s).

3. The required actions to be completed by responsible parties in order to abate the nuisance, and a reasonable deadline (usually 30 days) for actions to be completed.

4. A date stating (on or after) when a re-inspection shall be conducted.

5. The re-inspection fee schedule

E. If the nuisance continues to exist after the deadline given during the orders, and no progress can be documented, a re-inspection fee shall be assessed to the property owner. There must be sufficient and proper documentation (report notes, photographs, other evidence) to support the sanitarian’s assertion that no progress of abatement is occurring.

F. At this point, another letter shall be mailed to the property owner indicating that the nuisance continues to exist on his or her property. This letter shall contain the invoice for the re-inspection fee, along with another reasonable deadline. This letter shall include all detail from section D. The 2nd re-inspection fee at this point shall now be double the initial re-inspection fee.

G. After a third re-inspection fee has been assessed, and if the nuisance continues to exist, the case may be taken to a Board of Health meeting to see if the property can be declared a Public Health Nuisance by resolution, and then may be referred to the Jackson County prosecuting attorney.

H. If the property owner does not pay the invoices for the re-inspection fees that were assessed to him or her, the Jackson County Board of Health may, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify such nuisance and certify the costs and expense thereof to the county auditor, to be assessed against the property and thereby made a lien upon it and collected as other taxes. (ORC 3707.01)