



602 7TH STREET - ROOM 210

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POLICY AND PROCEDURE	
SUBJECT/TITLE:	NUISANCE INSPECTION POLICY AND PROCEDURE
APPLICABILITY:	SCHD ENVIRONMENTAL SANITARIANS
ORIGINALLY PREPARED BY:	Brent Rollins, R.S./ 10-22-2015
REVISION PREPARED BY:	Melissa Spears, R.S., Environmental Health Director 6-21-19
EFFECTIVE DATE:	10-22-15
REVIEW FREQUENCY:	3 years
BOARD APPROVAL REVISION DATE:	6-21-2019
REFERENCE NUMBER:	E -1

I. Policy Statement:

To ensure that reported health nuisances in Scioto County are investigated in a timely manner, and the corrected action orders be issued to the responsible party in a timely manner in an effort to abate the unsanitary conditions without further risk to public health. Such nuisances would include sewage, solid waste, trash and garbage, and those involving any facility licensed through the board of health.

Legal Authority:

<u>Ohio Revised Code</u>	<u>Ohio Administrative Code</u>	<u>Board of Health Resolution #</u>
Chapter(s) 3701	3701-29	03-15
Chapter(s) 3745		
Chapter(s) 3734		
Chapter(s) 3709		
Chapter(s) 3767		
Chapter(s) 941		

II. Reporting Procedures:

1. Nuisance complaints may be reported to the Scioto County Health Department in writing, in person, by telephone, or by e-mail. While complainants need not to give their name or address, it is encouraged so that a copy of the "Notice of Violation" letter can be sent to keep them informed about the progress of the complaint. Information needed to initiate the investigation is the exact location where the nuisance is occurring (Physical Address or Detailed Directions), Name and address of the owner, and other background history if available.

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2. Complaints regarding Scioto County Health Department licensed facilities, companies, or individual may be reported in the same manner.

III. Investigation Procedures:

1. Upon receipt of a complaint, the employee shall deliver the complaint to nuisance program environmental sanitarian. The sanitarian shall review the complaint and make telephone consultation to either the complainant and/or the complainee as deemed necessary. Health department records will be checked to determine prior history of location. If the complaint is regarding an area of expertise that is not within the legal jurisdiction of the health district, the sanitarian shall refer complaint to the appropriate agency.
2. The assigned sanitarian shall conduct the initial investigation within five working days from receipt of the complaint. During the investigation, the sanitarian shall try to gather additional information from owners, residents, and neighbors. A thorough evaluation of the site and documentation by field notes, photographs, and field contacts shall be made. Inform any parties at the site that a "Notice of Violation" letter will be issued to the responsible party indicating observations, deficiencies, code violations, possible corrective measures, and a preliminary time period in which to make the corrections. All documentation will be entered into the HDIS system, filed on the environmental computer server, and filed manually in the complaints file cabinet. If the investigating sanitarian feels threatened, he/she should politely leave and return with a co-worker, supervisor, or law enforcement at a later date. Physical or legal threats made shall be documented.
3. "Notice of Violation" letters should be completed and mailed within three working days of the initial investigation or as soon as possible after compiling additional information if needed. The format of the letter should state:
 - a) The reason why an investigation was started (receipt of complaint) with authority under 3701.01 of the Ohio Revised Code.
 - b) A general statement as to whether the complaint was found to be valid or not. A description of what was observed, the relevancy of the

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complaint, and why it is a violation will be stated in the “Notice of Violation”.

- c) Applicable Ohio Administrative Code, Ohio Revised Code, Board of Health policies or resolutions, and sanitary regulations will be cited.
- d) Recommended ways in which corrections could be made to bring compliance, and a compliance time schedule by which time the nuisance is to be abated. Compliance time limits are at the sanitarians judgement as to the potential risk to public health and safety. Establish approximate re-inspection date(s). Extension of compliance deadlines may be requested from responsible party. The nuisance sanitarian may grant additional compliance time if he/she feels the responsible party has made adequate progress in correcting violations. All extension of compliance agreements must be documented.
- e) Listing of the re-inspection fees and compliance deadlines.
- f) State of right to appeal
- g) “Notice of Violations” letters shall be sent to the complainant, the responsible party, and other interested parties, by standard mail.

IV. First Re-inspection Procedure:

After the compliance deadline, the sanitarian shall conduct a re-inspection of the property for determining progress, abatement, or non-action. If the violation is abated, no action is needed but to document. If the violation still exists, issue a follow up “Notice of Violation” letter to responsible parties by certified mail. The re-inspection fee deadline will begin once the certified receipt is signed.

V. Second Re-inspection Procedure:

After receiving the certified mail receipt from the first re-inspection “Notice of Violation” letter, a second re-inspection will occur. The sanitarian shall conduct a re-inspection after the compliance date stated in the second “Notice of Violation”. If the violation is corrected, the only action taken is to collect the \$100 fee from the previous inspection.

If the violation still exists, proper investigation and documentations will occur. Another “Notice of Violation” will be sent to the responsible party by certified mail. This time an invoice of \$100 will be attached for a re-inspection fee. The second re-inspection fee deadline will begin once the certified receipt is signed. The Director of Environmental Health will be notified at this point.



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VI. Third Re-inspection Procedure:

After receiving the certified mail receipt from the second re-inspection “Notice of Violation” letter, a third re-inspection will occur. If the violation is corrected, the only action taken is to collect the \$100 fee from the previous inspection. If the violation still exists, proper investigation and documentations will occur. Another “Notice of Violation” letter will be sent to the responsible party by certified mail. This time an invoice of \$200 will be attached for the re-inspection fee. At this time, the Director of Environmental Health will be notified and begin preparing for a compliance hearing.

VIII. Director of Environmental Health Action:

At this point, the nuisance sanitarian has already briefed the DEOH on the case. The DOEH will contact the responsible party either by phone or mail to schedule an inspection and compliance hearing. The compliance hearing will be with the responsible party, DOEH, and the nuisance sanitarian. An abatement order will be issued at this time, the length of time for compliance will be determined by the DOEH. If no compliance is reached after this final compliance deadline, a re-inspection fee of \$400 will be assessed to the responsible party and will be referred to the Board of Health. Another \$400 dollar re-inspection fee will be assessed for every 30 days the responsible party is in noncompliance.

IX. Repeat Nuisance Fee:

If a valid nuisance finding is observed of a former abated nuisance within 1 year of each other, a fee of \$100 can be applied. The re-inspection fee deadline schedule will start over from this repeat offense.

X. Delinquent Fee Payments:

Delinquent payments shall be subject to a ten percent (10%) late penalty. Failure to pay re-inspection fees shall result in being assessed as a lien against the property as defined through the Scioto County Auditor.

Throughout the complaint process, accurate records of phone contact, interviews, inspections, referrals, etc. are to be kept and recorded in the case file, in preparation for case referral to the Scioto County Prosecutor.

Recommended Standards for Abatement Time Frame

Standard Sewage Complaint	7-30 Days
Function Primary Components, Upgrade Needed	30 Days

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Discharge of Raw Sewage
 Trash/Garbage
 Solid Wastes
 Open Dumping
 Open Burning

 Water System Complaints
 Housing and Safety Complaints
 Structure Demolition and Removal

Immediate Cease and Desist
 7 Days
 7-14 Days
 14 Days
 Immediate Cease and Desist
 7 Day Clean up
 7-14 Days
 7-14 Days
 30 Days

Nuisance Re-Inspection Fees:

First Re-Inspection Fee..... \$100.00
 Second Re-Inspection Fee..... \$200.00
 Third and Subsequent re-inspections fees..... \$400.00



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Board Approval:




Laura Miller,
Board President

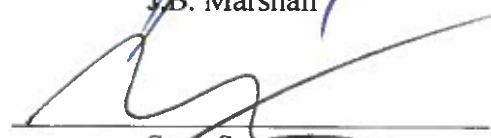
Dr. Jerod Walker



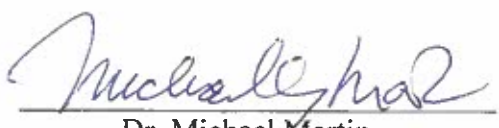
J.B. Marshall



Christy Sherman



Sean Sturgill



Dr. Michael Martin,
Health Commissioner