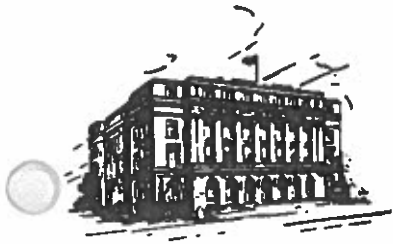


SCIOTO COUNTY GENERAL HEALTH DISTRICT



District Board of Health

602 7th Street - Room 210 - Court House
Portsmouth, Ohio 45662
Phone (740) 354-3241 - Fax (740) 354-8623
E-Mail: sciocohd@odh.ohio.gov

AARON ADAMS, D.O., FAFAP
Commissioner of Health

SCIOTO COUNTY BOARD OF HEALTH

J.B. MARSHALL, JR
RICHARD POWELL
MICHAEL MARTIN, M.D.
WILLIAM McFARLAND
GARY DUZAN

MELISSA SPEARS, R.S.
Director of Environmental Health

BRENT ROLLINS, R.S.
Registered Sanitarian

KATIE HAWKINS, S.I.T.
Sanitarian In Training

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Director of Nursing

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Public Health Nurse

BRENDA BRIGHTWELL, RN
Public Health Nurse

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Public Health Nurse

LAHOMA MORGAN
Clerk-Registrar

GAIL E. BROWN
Environmental-Nursing Secretary

SCIOTO COUNTY BOARD OF HEALTH RESOLUTION

03-15

November 20, 2015

- **Whereas, the Environmental Health Division has experienced an increase in nuisance inspections, and;**
- **Whereas, it is the duty of the Board of Health to abate and remove all nuisances within its jurisdiction as stated in the Ohio Revised Code Section 3707.01, and;**
- **Whereas, there has also been an increase in repeat and failure to obey violations, and;**
- **Whereas, Section 3709.09 of the Ohio Revised Code states that a Board of Health may establish fees to pay the costs of any services provided by the Board, and;**
- **Whereas, these fees will only be assessed following a re-inspection and upon determination of non-compliance with any public health law or rule or any Scioto County Board of Health regulation intended to protect the public health, and;**
- **Therefore, the Scioto County Board of Health under authority of the Ohio Revised Code Sections 3709.09 and 3709.21 adopts the following fees to be assessed against any person who knowingly allows a public health nuisance to continue to exist on any property under their ownership and within the jurisdiction of the Scioto County Board of Health District:**

First Re-inspection.....\$100.00

Second Re-inspection.....\$200.00

Third Re-inspection.....\$400.00

These fees will only be assess following a re-inspection and upon determination of non-compliance with any public health law or rule or any Scioto County Board of Health regulation intended to protect public health.

Determination of non-compliance shall be at the discretion of the inspecting sanitarian.


Facilities that are licensed by the Environmental Health Division shall be exempt from the fees established by this resolution.


"Person" shall have the same meaning as in Section 1.59 of the Ohio Revised Code and Section 3701-29-01 (S) of the Ohio Administrative Code.

- **Now, therefore, be it resolved this 20th day of November 2015 the Scioto County Health Department will advertise in the Portsmouth Daily Times for two consecutive weeks the creation of policy and procedures for nuisance investigation, and the establishment of re-inspection fees for repeat and failure to obey violations. The policy, procedures and re-inspection fees will take effect and be in force ten days after the date of the first publication. (In accordance with Sections 3709.09(E); 3709.21 and 7.19 of the Ohio Revised Code)**

Scioto County Board of Health


Richard Powell, President


J.B. Marshall, Jr.


Michael Martin, M.D.

Gary Duzan

Mac McFarland


Aaron Adams, D.O., FAAFP,
Scioto County Health Commissioner



Title: <p style="text-align: center;">Nuisance</p>		Division: Environmental Health Services	Program: Environmental Health
Orig Eff Date: 2015	Rev Eff Date: 10/29/2015 Revised by Director of Health		Distribution/ Filed: <input checked="" type="checkbox"/> Orientation <input checked="" type="checkbox"/> Affected Staff <input type="checkbox"/> _____
Orig Prepared by: Brent Rollins R.S.	Date: 10/22/2015		
Orig Approved by: Scioto County Board of Health	Date: 11/20/2015		
Board Approved Revision: Scioto County Board of Health	Date:		
Distribution: <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Admin <input checked="" type="checkbox"/> Managers <input type="checkbox"/> Division			

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.

II. 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		

III. 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.

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

IV. 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 complaintee 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 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.

V. 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.

VI. Second Re-inspection Procedure:

On or after 30 days from receiving the certified mail receipt, a second re-inspection will occur. If the violation(s) is abated, no actions will occur. 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.

VII. Third Re-inspection Procedure:

On or after 30 days from 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. A 30 day abatement order will

be issued at this time. If no compliance is reached after 30 days, 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 270 days 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	30 Days
Function Primary Components, Upgrade Needed	60 Days
Discharge of Raw Sewage	Immediate Cease and Desist
Trash/Garbage	7 Days
Solid Wastes	7-30 Days
Open Dumping	30 Days
Open Burning	Immediate Cease and Desist
	7 Day Clean up
Water System Complaints	10-30 Days
Housing and Safety Complaints	7-30 Days
Structure Demolition and Removal	30-90 Days

CERTIFICATE OF AFFIDAVIT
OF PUBLICATION
PORTSMOUTH DAILY TIMES
Portsmouth, OH 45662

Name: Scioto County Health Department
Case No:
Subject: Inspection Fee Rates

Printer Fee: \$	49.95
Affidavit Fee:	5.00
Total \$	54.95

Account Number 109600

Public Notice
The Scioto County Health Department's creation of policy and procedures to address nuisance complaints and the establishment of re-inspection fees.
First Re-inspection -----
\$100.00
Second Re-inspection -----
\$200.00
Third Re-inspection -----
\$400.00
The publication of the regulation and fees are in accordance with Sections 3709.09; 3709.21 and 7.19 of the Ohio Revised Code.
ADV: DECEMBER 02, 2015

State of Ohio, Scioto County, SS

Publisher of

Portsmouth Daily Times

Portsmouth, Ohio

A Newspaper printed daily and general circulation throughout the City of Portsmouth and the County of Scioto, State of Ohio, being duly sworn, says that the advertisement (a copy of which is hereunto affixed) was published in said Newspaper for the term of

No. Of Times: (1) once
from and after the 2nd day of December, 2015

Circulation -over 6,800
The price charged does not exceed the rate provided in Section 7.10 of the Revised Code of the Newspaper Laws of Ohio

Hope R. Comer

Subscribed and sworn to before me on this
2nd day of December, 2015

Katherine L. Venturino



Katherine L. Venturino
Notary Public, State of Ohio
My Commission Expires Feb. 19, 2019

CERTIFICATE OF AFFIDAVIT
OF PUBLICATION
PORTSMOUTH DAILY TIMES
Portsmouth, OH 45662

Name: Scioto County Health Department
Case No:
Subject: Inspection Fee Rates

Printer Fee: \$	122.10
Affidavit Fee:	5.00
Total \$	127.10

Account Number 109600

State of Ohio, Scioto County, SS

Publisher of

Portsmouth Daily Times

Portsmouth, Ohio

A Newspaper printed daily and general circulation throughout the City of Portsmouth and the County of Scioto, State of Ohio, being duly sworn, says that the advertisement (a copy of which is hereunto affixed) was published in said Newspaper for the term of

No. Of Times: (1) once
from and after the 25th day of November, 2015

Circulation —over 6,800
The price charged does not exceed the rate provided in Section 7.10 of the Revised Code of the Newspaper Laws of Ohio



Subscribed and sworn to before me on this
25th day of December, 2015

Public Notice
The Scioto County Health Department has created policy and procedures to address nuisance complaints within Scioto County. Nuisances would include such issues as sewage, solid waste, trash and garbage. Nuisance complaints will be investigated and corrective 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. There will be fees assessed for non-compliance with any public health law or regulation of the Scioto County Board of Health. These fees are established in accordance with Section 3709.09 of the Ohio Revised Code. These fees are being established due to an increase in repeat and failure to obey violations. Re-inspection fees are listed below:
First Re-inspection -----
\$100.00
Second Re-inspection -----
\$200.00
Third Re-inspection -----
\$400.00
These fees will only be assess following a re-inspection. Failure to comply with an order and non-payment of re-inspection fees could result in being called before the Board of Health and fees being applied as a lien on the property.
The publication of the regulation and fees are in accordance with Sections 3709.09; 3709.21 and 7.19 of the Ohio Revised Code.
ADV: NOVEMBER 25, 2015



Katherine I. Venturino
Notary Public, State of Ohio
My Commission Expires Feb. 19, 2019