

# TUSCARAWAS COUNTY GENERAL HEALTH DISTRICT

## Nuisance Complaint Standard Operating Guidelines

**Policy:** This is the Tuscarawas County Health Department (TCHD) Nuisance complaint standard operating guideline. This should be used to abate Public Health Nuisances in Tuscarawas County.

**Procedure:** In accordance with the Tuscarawas County Prosecutor's advice, ideally, complaints should be submitted in writing.

- When a citizen calls, or emails, to complain about an alleged public health nuisance (PHNC), it may be investigated by an Environmental Division Sanitarian. All nuisance complaints should be submitted to the Environmental Division **in writing** on the appropriate Nuisance Complaint Form, if possible. Exceptions may be made for residents (complainants) who believe that there may be retaliation if their identifying information is supplied.
- When a public official contacts TCHD regarding a PHNC, the call should be referred to the appropriate Sanitarian, if possible. If the appropriate Sanitarian is unavailable, the call should be referred to another available Sanitarian or voicemail.
- If a governmental agency calls (i.e., Sanitary Engineer's or Township Road Crew), the clerk may, as a courtesy, obtain specific information on the location of the nuisance, as well as the caller's name, occupation, employer, address and phone information. Then the information will be given to the appropriate Sanitarian after entering it into the *NIUSANCE COMPLAINT LOG ON GOOGLE SHEETS*.
- The clerk can mail, fax, email or have the complainant pick up a copy of the complaint form. In addition, the Nuisance Complaint form is available on the TCHD website.



**Public Health**  
Prevent. Promote. Protect.

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- When a written Nuisance Complaint is received in the office, it should be date-stamped and logged into the computer as a Nuisance Complaint.
- If a PHNC complainant does not wish to prepare a written complaint, the clerk must forward the caller to the appropriate Sanitarian, if available; otherwise, the call should be referred to another available Sanitarian. The sanitarian's voice mail may also be used, or inform the caller when the appropriate sanitarian may be available in the office. If possible, record the complaint through the telephone recording device.
- There is no fee for processing any type of nuisance complaint.
- Upon receipt of a written nuisance complaint, the complaint information should be entered into the *NUISANCE COMPLAINT LOG ON GOOGLE SHEETS* in the appropriate yearly Table. Information should include the date of the complaint, address, city and political subdivision, investigating sanitarian, primary heading, Complaint Code, and a brief description of the nuisance.
- PHNCs should go to a sanitarian for investigation.
- After the nuisance complaint, has been recorded, the clerk must check to see if there is finished or active paperwork and/or other previous or existing nuisances which should be attached to the complaint.
- Initial investigation is made by the sanitarian. If owner is not available, a notice is left by the sanitarian stating the property owner is to contact the sanitarian. Also, a letter may be sent to the owner's address requesting access, or an appointment.
  - IF COMPLAINT IS TO BE CLOSED
- If PHNC is invalid, or no public health nuisance is observed, the complaint is closed. A letter of closure may be sent to the complainant and the property owner, or they may be otherwise contacted/informed of the closed complaint investigation. Sanitarian notes date of complaint closure on the nuisance complaint form.
  - IF COMPLAINT IS TO BE LEFT OPEN (VALID)

The Director of Environmental Health will notify the Health Commissioner of any environmental public health hazard that may necessitate the activation of the Emergency Operations Plan (EOP) in accordance with ERF #1: Direction and Control

- If nuisance conditions are noted during the initial inspection by the sanitarian, generally, a thirty-day (30-day) correction order is sent to the property owner.
- A re-inspection is made after a period of thirty (30) days, or prior to this if property owner complies and contacts the TCHD for an inspection. If the nuisance condition remains, a second letter is sent to the owner of the offending property allowing for a period of fifteen (15) days, or seven (7) days, for correction/compliance.
- A re-inspection is made of at the end of the fifteen (15) day (or seven (7) day) period or if notification from the owner indicates that the nuisance has been abated. If the

property owner complies, and the public health nuisance condition is abated, the complaint is closed.

- If the nuisance condition is still found, and the property owner refuses to cooperate, a Non-Compliance Conference (NCC) is convened by the Director of Environmental Health. A letter stating the date and time of the conference, is sent by regular and certified mail, to the property owner. Failure to attend the NCC will result in the matter being forwarded to the Tuscarawas County Prosecutor's Office.

Either compliance occurs prior to the NCC, in which case an inspection is made by a sanitarian, and the complaint is closed, or the NCC is conducted whereby the Director of Environmental Health discusses the matter with the offending property owner and a new time frame is usually set for compliance/abatement. At the end of this time period, an inspection is made by a sanitarian and the complaint is closed if found to be in compliance.

- If the property owner refuses to comply within the time frame set forward by the Director of Environmental Health during the NCC, or if the property owner fails to appear for the NCC, the matter is then directed to the Tuscarawas County Prosecutor's Office for prosecution and eventual compliance. Complaint is not closed until all public health nuisances have been abated.

### **Notification of enforcement activity**

If applicable, the Ohio Environmental Protection Agency and any other governmental agency with possible jurisdiction over the property shall be notified of the enforcement case.

### **Tuscarawas Management/Public Notification**

If it is deemed necessary to provide information to the public regarding a enforcement action, the Environmental Health Director will be responsible for forwarding the information to the appropriate TCHD personnel according to the TCHD Non-Emergency Communication Protocol and Procedures.

### **FILING/FINAL RECORDING**

- After the Nuisance has been abated and the paperwork generated for the specific address is finished, it must be so indicated in the *NIUSANCE COMPLAINT LOG ON GOOGLE SHEETS* for the appropriate year. The date of first inspection and the date the investigation was closed are to be noted at this time.
- Any records which were attached to the nuisance complaint must be appropriately filed, if not with the nuisance complaint. The nuisance should be

so noted in the *NIUSANCE COMPLAINT LOG ON GOOGLE SHEETS*.

- The complaint can then be filed in the appropriate finished file.

**Revisions**

<b>Date</b>	<b>Revision</b>	<b>Responsible Party</b>
4/25/17	Created	EH Director
5/10/2017	Approved	Board of Health