



Nuisance Abatement Procedure

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Maintenance Steward: Environmental Health Supervisor in Charge of the Generalist Programs History: New Revised Archived

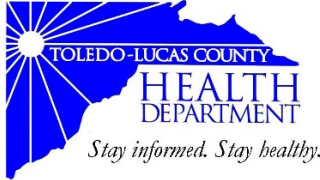
Organizational Scope:
 Full Agency Administration Community Services Environmental Health Health Services

Frequency of Review:
 Annually Biennially 5 Years As Needed Other: ✓

Location:
G-Drive: G: → Users → Common → Policies & Procedures
Website: www.lucascountyhealth.com/employee-login/
Hardcopy: Environmental Health Supervisor's Office
Archived Version(s):

Requisite Signatures

<input checked="" type="checkbox"/> _____ Health Commissioner	08-09-17 Date
<input checked="" type="checkbox"/> _____ Director of Environmental Health & Community Services	8-8-2017 Date



Nuisance Abatement Procedure

I. Scope

This standard operating procedure applies to all generalist sanitarians in the Environmental Health Division of the Toledo Lucas County Health Department (TLCHD).

II. Purpose

The purpose of this procedure is to provide generalist sanitarians with an understanding of the expectations and processes that are required to conduct proper housing nuisance inspections and how to handle all housing nuisance complaints that are received by this department.

III. Background

Toledo Lucas County Health Department will enforce and abate nuisances that are a public health concern. Nuisance complaints that are a public health concern include but are not limited to the following:

- A. Housing- no water, sewage, roaches, rodents (rats), animal feces, garbage outside the home, unsanitary conditions, hoarding
- B. Mosquito nuisance- stagnant water, example home swimming pool not maintained
- C. Scrap tires
- D. Illegal dumping of garbage, tires
- E. Feral cats- feeding of feral cats outside the home

The Toledo-Lucas County Health Department will use Ohio Administrative and Ohio Revised Codes, along with the following codes to enforce nuisance abatement in Lucas County.

- A. Appendix B, Regulation No. 2-57, Toledo District Board of Health, Rodent, Insect and Pest Control, Title One- General Health Standards, Part Seventeen- Health Code, Toledo Municipal Code (TMC)
- B. Chapter 1725 – Nuisances Generally of the Toledo Municipal Code
- C. Chapter 1726 – Abatement of Nuisances of the Toledo Municipal Code
- D. Ohio Revised Code (ORC) 3707.01 – Abatement of Nuisance
- E. Lucas County Minimum Sanitation Standards
- F. Lucas County Board of Health Rodent, Insect and Pest Control

IV. Provisions/Procedures

A. Complaint Received

1. Complaints are entered into Healthspace and delivered to the appropriate sanitarian. We receive complaints from phone calls, emails, or from municipalities within Lucas County.
2. All complaints are to be answered in the shortest amount of time possible and in the order in which they were received.
3. Emergency situations which includes a homes without running water, home with sewage surfacing, a home with unsanitary conditions shall take priority.
4. Contact complainant if contact name and number is given to get more details about the complaint or to schedule an appointment with the complainant if needed.

B. Complaint Inspection

1. The sanitarian shall conduct a proper nuisance inspection at the complaint address to determine if a nuisance condition exists. Permission must be granted by the occupant/owner to do an inspection on the property unless violation(s)/condition(s) can be confirmed in plain view or from a neighboring property if needed.
 - a. If permission is not granted, and an obvious violation exists, a Notice of Violation may be issued to the owner/tenant of said property to abate the nuisance.
 - b. If permission is not granted, and an obvious violation exists, a search warrant may be required in order to gain entrance or access to the property to further investigate complaint.
2. Record all observations and/or concerns and take pictures as necessary.
3. An initial complaint inspection can include the following scenarios:
 - a. No Contact or no one home – leave door hanger with your contact name/number. If after three (3) failed attempts to conduct an inspection, the complaint may be closed out in Healthspace as unable to verify complaint due to No Contact.
 - b. No Cause – no signs of nuisance conditions were observed at time of inspection. The complaint can be closed out in Healthspace as No Cause.

- c. Nuisance conditions were observed at time of inspection.
 - i. Issue Verbal Orders/Consultation; If the Sanitarian feels that the owner/occupant will take care of the rats/violations independently, then verbal instructions may be adequate with a follow up inspection to confirm that the conditions have been abated.
 - ii. Issue Notice of Violation; If a violation exists, A Notice of Violation shall be issued to the owner or tenant of the property.

C. Emergency Procedure

1. In the event that an immediate threat or hazard to human health is observed by the sanitarian, the Environmental Health Supervisor or Environmental Health Director shall be contacted as soon as possible.

D. Re-Inspection

1. After the initial date of the Notice of Violation is due, a re-inspection is then necessary to see if compliance has been met.
 - a. If compliance has been met, then the NOV is in compliance and this information is entered into Healthspace as complied and this complaint is now finished.
 - b. If compliance has not been met, then a Second and Final Notice of Violation is issued.
 - c. If some progress is being made but property is not in full compliance, an extension may be granted to give more time to bring property into compliance.
2. After the Second and Final NOV is due, a re-inspection is needed to determine compliance.
 - a. If compliance has been met, then this information is entered into Healthspace as complied and this complaint is now finished.
 - b. If compliance has not been met, the sanitarian may:
 - i. Type an affidavit to file the property owner or tenant in court. Issue a summons to the property owner or tenant to appear before the Supervisor.
 - ii. Grant an extension if Sanitarian believes more time is needed to bring property into compliance.

E. Court Procedures- City of Toledo

1. If property is not in compliance and the sanitarian deems the property is ready to be filed in court, an affidavit with the listed owner, tenant, or third party must be typed in the NORUS system.
 - a. An affidavit is used to take legal action through the Toledo Municipal Court.
 - b. In order to file a property in court, an identifier (SS#, birthdate, or RID #) of the person being taken to court is necessary.
 - c. If a third party (company, bank, mortgage company) is being taken to court, an identifier is not necessary.
2. Once the affidavit is typed up, the property is now ready to be filed in Toledo Municipal Court. This needs to be done at the Toledo Clerk of Courts office and the affidavit needs to be signed in front of the clerk who then files the paperwork.
3. Once the affidavit has been filed by the Toledo Clerk of Courts, this department receives a court docket with all the names and court dates and times of properties filed.
4. When this department receives the court docket with the list of court cases coming up, those properties need to be re-inspected to determine compliance with pictures and a report needs to be written for the judge regarding the status of the complaint. All reports and documents are forwarded to the prosecutor on the day of the court session.
5. If a defendant pleads not guilty and a pre-trial hearing or trial date has been set, the Sanitarian needs to be present in court to provide any testimony that the prosecutor may need to present their case in front of the judge. A report with pictures of the property is also needed in these instances.
6. Any information about court cases and proceedings should be entered into Healthspace under the original complaint.

F. Court Procedure- County

1. If property is not in compliance and the Sanitarian deems the property is ready to be filed in court, the Sanitarian must contact the Lucas County Prosecutor's office.
2. Provide the Prosecutor's office with the details regarding the inspection along with a name of the person being taken to court.

3. When this Prosecutor's office notifies the Sanitarian when case will be in court, the property will need to be re-inspected to determine compliance with pictures and a report needs to be written for the judge regarding the status of the complaint. All reports and documents are forwarded to the prosecutor on the day of the court session.
4. If a defendant pleads not guilty and a pre-trial hearing or trial date has been set, the Sanitarian needs to be present in court to provide any testimony that the prosecutor may need to present their case in front of the judge. A report with pictures of the property is also needed in these instances.
5. Any information about court cases and proceedings should be entered into Healthspace under the original complaint.

G. Paperwork/End of Complaint

1. All complaints are to be entered onto the daily report with the appropriate programs, activities, and times. Refer to the Daily standard operating procedure (SOP).
2. All inspection dates, notes, reports, pictures, notice of violations issued, and any other pertinent information regarding the complaint must be entered into Healthspace.
3. The original complaint form is turned in with your daily report to the Supervisor when the Sanitarian is finished with it.

V. Maintenance

A. Review

1. The Nuisance Abatement standard operating procedure is to be reviewed every five years, or when changes occur in sections of the Toledo Municipal Code, Lucas County Minimum Sanitation Standards, or Chapter 3707.01 of the Ohio Revised Code to ensure compliance with both agency and accreditation standards.

B. Revision

1. All changes made to this SOP are to be noted on the **Record of Change**. Substantial changes will require renewed signatures from all applicable parties. This includes changes to the intent, scope, procedures, or policy statement.
2. Changes in style, format, grammar or minor error correction will not require renewed signatures but must be indicated on the Record of Change.

VI. Glossary

A. Flow Chart Terms

1. **Complaint Received:** All complaints are to be answered in the shortest amount of time possible. Complaints of serious health implications (no water, raw sewage, etc....) shall take priority.
2. **Conduct Complaint Inspection:** A Sanitarian shall conduct a visual inspection of the property to determine if a violation exists. Permission must be granted by the occupant/owner to do an inspection unless violation can be confirmed in plain view. If permission is not granted, and an obvious violation exists, a search warrant may be required in order to gain entry.
3. **Issue Notice of Violation:** If a violation exists, a Notice of Violation shall be issued. Violations with serious health implications shall be given 72 hours (3 days) to abate the nuisance. All other violations shall be given ten (10) days to abate the nuisance.
4. **Issue Verbal Orders/Consultation:** If the Sanitarian feels that the owner/occupant will abate the violation independently verbal instructions may be adequate.
5. **No Cause Found:** No violation was observed at the time of inspection.
6. **Re-inspection:** If during any re-inspection compliance is noted, the complaint will be closed and only reopened if a new complaint is made. The new complaint will start over at the beginning of the process.
7. **Issue Verbal Extension:** A verbal extension shall be granted if the Sanitarian feels that the owner/occupant is making a visible effort to abate the nuisance. Extensions may be granted for up to thirty (30) days with proof of progress (pest control invoice, receipts) and no more than two (2) granted.
8. **Issue 2nd Notice of Violation:** Upon expiration date of the original Notice of Violation and no compliance has been made, a second and final Notice of Violation shall be issued.
9. **Issue Summons:** Upon the expiration date of the 2nd Notice of Violation, a final inspection is conducted. If compliance has not been achieved, a Summons will be issued to the property owner. Summons are conducted internally with the Environmental Health supervisor who will determine the time, date, and location of the Summons.
10. **Nuisance Abated:** Following an inspection if the complaint conditions have been corrected to the satisfaction of the Sanitarian, the nuisance is determined to be abated and the complaint closed.

11. **Submit Affidavit to Court:** Following a re-inspection and/or Summons if compliance has not been achieved an affidavit request form shall be signed, dated, and forwarded to the municipal court. An affidavit is used to take legal action through the municipal court. An affidavit is submitted when identifies (Social Security numbers or Date of Birth) can be located.
12. **Go to Court:** Once a court date has been set, the property is re-inspection to determine compliance, photos are taken, and a court inspection form is completed. All documents are forwarded the prosecutor on the day of the court session.
13. **No Contact/ Leave Door Tag:** If during an inspection attempt no contact with the residents of the property is made, a door tag with the Sanitarian's contact information is left.
14. **Complaint Case Closed:** Complaint is closed once a nuisance has been abated to the satisfaction of the Sanitarian, three (3) attempts to conduct an inspection have been made with no contact or no response, or no cause is found during an initial inspection.
15. **2nd/ 3rd Inspection Attempt:** For all complaints a maximum of three (3) attempts will be made to conduct an inspection on the complaint conditions that are not visible in plain view.
16. **Re-inspection:** Upon expiration date of a Notice of Violation or verbal order/consultation, a re-inspection is to be conducted to ensure compliance

Record of Change
(Required for all procedures)

Date of Change	Changes Made By	Changes Made/Notes	Approved By