

**IOWA DEPT. OF PUBLIC HEALTH
RECOMMENDED PROCEDURES FOR
LOCAL BOARDS OF HEALTH
FOR THE IDENTIFICATION AND ABATEMENT
OF PUBLIC HEALTH NUISANCES**

One of the most frequent, and sometimes most troublesome, duties of the board of health is the handling of nuisance complaints. Situations which arise tend to be varied, but most can be addressed by following simple procedures.

Although a large proportion of complaints will be received in the form of requests or demands for legal action, it should be remembered that many of these can be settled with reasonable solutions and without formal legal action. The key is to determine if the conditions create a public health or safety hazard. If legal action does become necessary, the county (or city) attorney should respond well to cases that show a clear attempt to execute the steps and procedures followed by local boards in its attempt to gain voluntary compliance.

- STEP 1. Upon receiving the complaint (written or verbal), contact the second party for any additional information, and if necessary, arrange for an informal meeting of the two parties. NOTE: At times one can help successfully resolve a complaint over the phone. So, a meeting may not be necessary.
- STEP 2. If it appears that there are physical conditions that may create or are creating a public health or safety hazard, a Board of Health member, or staff, should visit the site to make and record observations. (Take photos, chronologically organize events, locate hazards, etc....)
- STEP 3. Make a final determination whether conditions identified, in some reasonable way, affects the safety or health of the public. In most cases, the following conditions **are not** considered hazards to public health and safety: deteriorated properties that are structurally sound, weeds, odors, noise, piles of wood, barking dogs, etc.....

The following **are examples** of conditions that usually are considered a hazard to public health and safety: Open or abandoned wells, unsecured falling structures, untreated sewage, chemical wastes, air contaminants, etc.....

Local Boards certainly can make recommendations and referrals (to other policies, regulations, agencies or persons) to help on nuisances evaluated as non public hazards, **BUT THEY ONLY HAVE RESPONSIBILITY TO ASSURE THAT PUBLIC HEALTH HAZARDS ARE ADDRESSED.** (May be beneficial to keep copies of other policies, regulations, or contacts for reference.)

- STEP 4. After making a determination that a public health/safety hazard exists:
- a. Contact responsible party of the hazardous conditions and give reasoning why the conditions present a hazard to public health/safety and request a timely response to abate the hazards. Be certain to keep detailed/precise documentation of dates and contacts.
 - b. If no response is received, prepare a more detailed request in writing. Outline the observations and reasons why the conditions are considered to be a threat to the public's / community's health. Give a specific time limit for a response and ask for a plan for correction. Keep a copy of everything, and be prepared to forward copies of documentation and evidence to county/city attorney in case legal action becomes necessary.
 - c. If still no response, return to site with previous documentation and photos to confirm existence of conditions. Again, carefully document and photograph findings. Prepare a final request, similar to the previous one, but with the additional statement that the case will be referred to the county/city attorney if no response is received. CC the county/city attorney.
 - d. If there still is no response, meet with your attorney and present the file of investigation notes, letters, photographs, and request legal action.

If it is clear that a public health/safety hazard exists, and the sequence of events and notifications are clearly documented, a good county/city attorney will back you and appreciate your attention to the necessary details.

IDPH - 4/2/98

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