



# Policy 9001 Authorizing Funding Public Health Nuisance Abatements and Lead Hazard Reductions

**Version:** 3.0  
**Effective Date:** 3/2/2023  
**Board or Administrative:** Board

## Policy Statement

The Dakota County Board of Commissioners, acting as the Community Health Board, has a statutory mandate and statutory authority to address and abate public health nuisances, including lead hazards.

The Local Public Health Act, Minn. Stat. Chapter 145A, sets forth the Community Health Board's statutory authority for abating or removing public health nuisances. Public health nuisances may involve an accumulation of garbage, raw sewage or failed sewage disposal, infestation of rodents or vectors, often affecting populations such as vulnerable adults, chemical-dependent and mentally ill persons, and children at risk of neglect or abuse. "Public health nuisances" are situations in which the presence of substances or unsanitary conditions are likely to foster disease or impair or endanger health and safety of the occupants of the dwelling, its neighbors, or the community. Public health nuisances are distinguished from "public nuisances", which refer to those conditions or situations that obstruct, cause inconvenience, or adversely affect the property rights of members of a household, neighbors, or persons living in the vicinity.

The distinctions between a public nuisance versus a public health nuisance often depends on situational factors and involve the use of professional judgment that is based on a set of principles or criteria. Not all public nuisances are public health nuisances. However, some public health nuisances may be public nuisances under local ordinances or other rules or regulations.

The Lead Poisoning Prevention Act, Minn. Stat. §§ 144.9501-144.9509, sets forth the Community Health Board's statutory authority for abating or removing lead hazards in the environment. Lead hazard reduction involves processes undertaken to make a premise such as a residence, playground, childcare facility, or school lead-safe by meeting standards prescribed in Minn. Rules 4761.1000-4761.1220.

The Community Health Board has designated the Director of Public Health or designee as its agent to carry out its statutory duties under both of the above-referenced acts.

Investigations and enforcement actions under the Local Public Health Act and the Lead Poisoning Prevention Act are subject to the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Chapter 13.

## Definitions

- Public Health Nuisance: Any activity or failure to act that adversely affects public health, Minn. Stat. § 145A.02, subd. 17. Public health nuisance includes lead hazards.
- Lead hazard: A condition that causes exposure to lead from dust, bare soil, drinking water, or deteriorated paint that exceeds the standards adopted under Minn. Stat. § 144.9508.
- Lead order: A legal instrument to compel a property owner to engage in lead hazard reduction according to the specifications given by the assessing agency, Minn. Stat. § 144.9501, subd. 20.
- Enforcement of a lead order: Enforcement as a public health nuisance under Minn. Stat. Chapter 145A and Minn. Stat. § 144.9509.

## Source

Dakota County Board Resolution No. 01-394, adopted June 26, 2001

## General

### Powers of Community Health Boards

- Entry for Inspection. To enforce public health laws, ordinances, or rules, a member or agent of a Community Health Board may enter a building, conveyance, or place where contagion, infection, or filth, or other source or cause of preventable disease exists or is reasonably suspected, Minn. Stat. § 145A.04, subd. 7.
- Removing or Abating Public Health Nuisances. If a threat to public health such as a public health nuisance, source of filth, or cause of sickness is found on any property, the Community Health Board or its agent shall order the owner or occupant of the property to remove or abate the threat within the time specified in the notice, but not longer than 10 days. Action to recover costs of enforcement must be undertaken as set forth in Minn. Stat. § 145A.08 and Minn. Stat. § 145A.04, subd. 8.
- Injunctive Relief. In addition to any other remedy provided by law, the Community Health Board may bring an action in the court of appropriate jurisdiction to enjoin a violation of statute, rule, or ordinance that the Community Health Board has power to enforce, or to enjoin as a public health nuisance any activity or failure to act that adversely affects the public health, Minn. Stat. §145A.04, subd. 9.
- Assessment of Costs of Enforcement. The cost of any enforcement action may be assessed and charged against the owner of the property on which the public health nuisance is located, or against the real property on which the public health nuisance, source of filth, or cause of sickness was located. If assessed against the real property, the county auditor shall extend the cost so assessed and charged on the tax roll of the county against the real property on which enforcement action is taken, Minn. Stat. § 145A.08, subd. 2(c).
- Abatement of Lead Hazards. Abatement includes the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil, and all

preparation, cleanup, disposal, and post-abatement clearance testing activities associated with these measures, Minn. Stat. § 144.9501, subd. 3.

## Procedures

Procedures will be maintained by the Public Health department.

## History

Version	Revision Date
1.0	4/30/2002
2.0	3/21/2017
3.0	3/2/2023

## Related Policies

- None

## Contact

Katrina DeVore  
Environmental Health Program Coordinator  
[Katrina.Devore@co.dakota.mn.us](mailto:Katrina.Devore@co.dakota.mn.us)

## Approval

Resolution No. 17-156; March 21, 2017