

**RULES FOR THE CONTROL OF  
PUBLIC HEALTH NUISANCES  
FOR  
KENT COUNTY, MICHIGAN**



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**ARTICLE I – TITLE, AUTHORITY AND JURISDICTION**

**101 - TITLE**

These rules shall be hereinafter known by the title, “Rules for the Control of Public Health Nuisances in Kent County, Michigan.”

**102 – AUTHORITY**

These rules are adopted by the Kent County Board of Hhealth in accordance with authority granted under Section 6, Act 306, Public Acts of 1927, as amended.

**103 – JURISDICTION**

The Health Officer of the Kent County Health Department shall be the official responsible for the administration of these rules. The Health Officer shall have jurisdiction throughout all areas of Kent County whether incorporated or unincorporated.

**ARTICLE II – DEFINITION OF TERMS**

**201 - BOARD OF HEALTH**

“Board of Health” shall refer to the Kent County Board of Health.

**202 – DEPARTMENT**

“Department” shall refer to the Kent County Health Department.

**203 - HEALTH OFFICER**

“Health Officer” shall refer to the Director of the Kent County Health Department or his authorized representative.

**204 – PERSON**

“Person” shall refer to any individual, group, association, organization, firm, corporation or other legally defined entity.

**205 - PUBLIC HEALTH NUISANCE**

“Public Health Nuisance” shall refer to any condition or activity on private or public property which, in the judgment of the Health Officer, may have or threaten to have a detrimental effect on the health and safety of the public. Public Health Nuisance may include, but shall not be limited to, the following: abandoned buildings; accumulations of garbage, refuse, and animal manure; dead animals; unprotected excavations; mosquito breeding areas; vermin infestations; and all other conditions or activities recognized as public health nuisances at common law.

**206 – RULES**

“Rules” as used hereinafter shall refer to the Rules for the Control of Public Health Nuisances in Kent County, Michigan.

**ARTICLE III – PUBLIC HEALTH NUISANCE PROHIBITED:  
POWER AND DUTIES OF THE HEALTH OFFICER**

**301 - PUBLIC HEALTH NUISANCES PROHIBITED**

No person shall engage in an activity or create or permit a condition to exist, which is, or may become, a public health nuisance.

**302**

The Health Officer shall initiate investigations of public health nuisances and take all necessary action to abate the same. The Health Officer shall also investigate complaints concerning alleged public health nuisances as hereafter provided.

**303 - COMPLAINTS CONCERNING PUBLIC HEALTH NUISANCES**

All complaints concerning alleged public health nuisances shall be submitted to the Health Officer. Such complaints shall include specific details regarding the situation, including the nature and location of the alleged nuisance condition, the date and time of occurrence, the person responsible, the names of witnesses, and the name and address of the complainant. The Health Officer may require such complaints to be submitted in writing.

**304 - INVESTIGATION OF COMPLAINTS**

The Health Officer, upon receipt of a complaint concerning a public health nuisance, shall consider the information provided and shall conduct such investigations as he may deem necessary. If the investigation by the Health Officer discloses that the alleged public health nuisance no longer exists, or does not represent a threat to the health and safety of the public, the complainant shall be notified of such findings. If the investigation of the Health Officer reveals that the complaint pertains to an activity or condition subject to the statutory regulation of an official agency, bureau or department other than the Health Department, he shall notify the appropriate agency, bureau or department of the complaint.

**305 - ORDERS FOR CORRECTION OR ABATEMENT**

When the Health Officer, following any investigation, determines that a public health nuisance exists, he shall promptly notify the person responsible for the condition or activity of his findings. The Health Officer shall order the person responsible for the public health nuisance to undertake appropriate actions to correct or abate the condition or activity and shall specify a reasonable time limit for such correction or abatement to be completed. Such orders shall be submitted in writing, except in situations requiring more expedient forms of communication in the interests of protecting the public health or safety.

**306 - AVAILABILITY OF JUDICIAL REMEDIES**

The Health Officer shall be empowered to seek appropriate judicial remedies, in the name of the Kent County Health Department, in order to bring about compliance with the rules when attempts at gaining voluntary compliance or the issuance of orders requiring the correction or

abatement of public health nuisances have not proven effective. Such judicial remedies may include, but shall not be limited to, criminal warrants, appearance tickets, and injunctions.

**307 - SUMMARY ABATEMENT**

When, in the judgment of the Health Officer, a public health nuisance exists, which represents an immediate and extremely dangerous threat to public health and safety, he may, prior to or in conjunction with the pursuit of judicial remedies, undertake appropriate actions to bring about the immediate correction or abatement of the nuisance condition. In all cases where such measures are employed, the Health Officer shall be required to prepare a complete written report of his actions. The report shall contain full particulars concerning the nature and significance of the public health nuisance and shall explain the reasons for the employment of summary abatement measures. The summary shall include a complete inventory of all properties seized, embargoed, or destroyed as a consequence of the Health Officer's action.

**ARTICLE IV – APPEALS**

**401 - RIGHT OF APPEAL**

All actions undertaken by the Health Officer, pursuant to the authority conferred by these rules, shall be subject to appeal by any person reasonably affected by such actions.

**402 - BOARD OF APPEALS**

A Board of Appeals is hereby established for the purpose of hearing grievances resulting as a consequence of the Health Officer's actions pursuant to the administration of these rules. The Board of Appeals shall be defined as the Kent County Board of Health.

**403 - APPEAL PROCEDURES**

All appeals relating to actions taken by the Health Officer in the administration of these rules shall be submitted in writing to the Board of Appeals. A non-refundable fee of \$15.00 shall be deposited with the Department by the appellant at the time the appeal is submitted. The Board of Appeals shall consider such appeals and may arrange for such investigations or hearings, as it may deem necessary. The Board of Appeals shall be responsible for notifying the appellant of the time and location where such hearings are to be conducted.

**404 - RULINGS OF BOARD OF APPEALS**

The Board of Appeals, after consideration of an appeal and any supporting information, which it may require, shall render a verdict and shall promptly notify the appellant in writing of its decision. The decision of the Board of Appeals shall be the final administrative judgment concerning the action being appealed.

**ARTICLE V – PENALTIES**

Any person failing to comply with the provisions of these rules, or failing to comply with orders issued by the Health Officer pursuant to authority conferred by these rules, shall be guilty of a misdemeanor. Each day that a violation of these rules exists shall constitute a separate offense.

**ARTICLE VI – SEVERABILITY**

If any portion of these rules should be declared invalid or unconstitutional for any reason, the remaining portions shall remain in effect.

Following a public hearing on January 14, 1977, these rules were adopted by the Kent County Board of Health on January 21, 1977.

The rules were approved by the Kent County Board of Commissioners on February 2, 1977, and became effective 45 days after that.