

July 30, 2010

DRAFT rule & Policy and Procedure - Summary of last two revisions
[Haywood County Board of Health]

This document summarizes the changes made in the “rule” and “Policy and Procedure” from the revisions made in the Health Board’s secret closed meeting at 6pm on July 6, 2010 and the changes made to both documents dated July 13, 2010.

The first two documents are the July 6th “rule” and “Policy and Procedure”, and the last two documents are the “rule” and “Policy and Procedure” with the changes dated July 13, 2010.

It is common practice when changes are made to documents, leases, etc., that there is an indication of the changes being made, as the document goes through time. It is customary that text that is to be deleted is identified with a ~~strike~~ through the words, and text that is added /changed is **underlined and printed in bold**.

There were no such identifying features in the DRAFT of the Policy and Procedure, and sporadic, at best, in the “rule”.

There are two possible reasons for this omission, as far as I can tell:

- To make it as difficult as possible for the general public to decipher the changes (i.e. deception),
- The individual making the changes was simply not competent (i.e., not competent).

Since the documents that were e-mailed to me were scanned PDF files, there was no way to easily compare the documents. Therefore, each of the two documents, the “rule” and the “Policy and Procedure”, had to be painstakingly typed into separate files. Once done for both, the newer document was compared with the older, and compared word for word. That is the process that was done with these four (4) documents.

These are NOT official documents. Refer to the Health Department for the official documents. These documents have been created as a guide so that ordinary citizens, such as myself, can more easily decipher what is going on here.

Monroe A. Miller Jr.

PROPOSED DRAFT OF AMENDED RULES AUGUST 2009 Revised 3/01/10

AMENDED RULES AND REGULATIONS GOVERNING THE STORAGE, COLLECTION, TRANSPORTING, AND DISPOSAL OF SOLID WASTE PRIOR TO ACCEPTANCE INTO THE HAYWOOD COUNTY SOLID WASTE COLLECTION AND DISPOSAL SYSTEM OF SOLID WASTE IN HAYWOOD COUNTY, NORTH CAROLINA

Be It Ordained by the Haywood County Board of Health:

That the following regulations for the protection of public health are hereby adopted in pursuant to authority granted by Section 39 of Chapter 130A of the General Statutes of North Carolina, and shall govern the storage, collection, transporting and disposal of solid waste prior to acceptance into the Haywood County Solid Waste collection and disposal system. These regulations amend and supercede the Rules and Regulations Governing the Storage, Collection, Transporting, and Disposal of Refuse adopted by the Haywood County Board of Health on January 26, 1970, amended on September 20, 1976 **and March 13, 1989.**

SECTION I-DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations.

- A. **SOLID WASTE**-Means garbage, refuse, rubbish, trash, and other discarded solid material, including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or industrial waste water effluents.
- B. **GARBAGE**-Means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses and recognizable industrial by-products, but excluding sewage and human wastes. Other discarded food containers that are not dry and clean shall be included in this definition.
- C. **RUBBISH**-Means any non-putrescible solid waste.
- D. **PERSON**-Means any individual, firm, governmental unit, organization, partnership, corporation, or company.
- E. **HEALTH DIRECTOR**-Means the Director of the Haywood County Health Department, or his authorized representative.
- F. **IMMINENT HAZARD**-Means **a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.**
- G. **SOLID WASTE COLLECTOR**-Means any person who collects or transports solid waste for compensation of any type, other than one who removes solid wastes from his own premises.

- H. PUTRESCIBLE-Means solid waste capable of being decomposed by micro-organisms, with sufficient rapidity as to cause nuisances from odors or gases, such as kitchen waste, offal, and carcasses not to include appropriately composted materials defined in the Solid Waste rules.
- I. VECTOR-Means an insect, rodent, or other animal that transmits infectious diseases from one person or animal to another.
- J. PREMISES-Means a parcel(s) of land and the buildings on it.

SECTION II-APPLICABILITY AND GENERAL CONDITIONS

These rules shall apply to the management of solid waste prior to acceptance into the Haywood County Solid Waste collection and disposal system. Solid waste management methods implemented through these rules shall be based upon public health practices and procedures, including applicable epidemiological research and other scientific knowledge. All solid waste shall be stored, collected, transported, treated, utilized, processed, reclaimed, recycled, and disposed of in a manner consistent with the requirements of federal, state, and county laws and ordinances. In addition to these rules and regulations, the health director may determine and utilize other applicable public statues to address solid waste violations.

SECTION III-SOLID WASTE STORAGE

- A. The owner, occupant, tenant, lessee, or person in charge of any premise, shall be responsible for the sanitary storage of all solid waste accumulated at that premise.
- B. Garbage shall be stored so that no putrescible odor will exist. Containers shall be a quality leak proof container. Containers shall be stored in such a manner and of duration so as not to create a public health risk.
- C. Rubbish shall be stored in such a manner to prevent:
 - 1. Harborage for rodents.
 - 2. The collection of confinement of water to breed mosquitoes, flies, or other vectors.
 - 3. It being windblown or washed off the property where stored regardless of proximity to any residence, or premise or anyplace of public use.
 - 4. A fire hazard.

SECTION IV-SOLID WASTE COLLECTION AND TRANSPORTATION

Solid waste shall be collected and transported in such a manner so as not to create a public health risk. Transportation shall comply with Haywood County Solid Waste Ordinance.

SECTION V-SOLID WASTE DISPOSAL

All solid waste shall be disposed of by methods consistent with local ordinances, federal and state rules addressing public health risk.

SECTION VI-PENALTY AND ENFORCEMENT

- A. Any person who violates **these rules** adopted by the Haywood County Board of Health shall be guilty of a **Class 1** misdemeanor, pursuant to Section 25 (a) of Chapter 130A **and Section 3(a) of Chapter 14** of the General Statutes of North Carolina.
- B. Any person who violates **these rules** may be subject to an action for injunctive relief in Superior Court of Haywood County, pursuant to Section 18 of Chapter 130A of the General Statutes of North Carolina.
- C. The Haywood County Health Director may issue an order of abatement directing the owner, lessee, operator or other person in control of property to take any action necessary to abate a public health nuisance including the power to abate the nuisance and file a lien on the property, pursuant to Section 19 of Chapter 130A of the General Statutes of North Carolina.
- D. Where the Haywood County Health Director determines that an imminent hazard **as defined and as amended from time to time, in Section 2 (3) of chapter 130A of the general Statues of North Carolina** exists, he or she may **after making a reasonable attempt to give notice to the owner or a person in possession of the premises** enter upon any property and take any action necessary to abate the imminent hazard, pursuant to Section 20 of Chapter 130A of the General Statutes of North Carolina. **When denied permission to enter the premises for purposes permitted under Section 20 of Chapter 130A, the Health Director shall first apply for and obtain an administrative search warrant before entering the premises.**

SECTION VII-CONFLICTING REGULATIONS REPEALED

All regulations or parts of regulation in conflict herewith are repealed, as of the effective date of these amended regulations, but only to the extent necessary to give these regulations full force and effect. **If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held to exceed the authority of state statutes or to not be pursuant to the power and duty of the Health Director to carry out the responsibilities delegated under Section 39 of Chapter 130A of the General Statutes of North Carolina to the Board of Health to protect and promote the public health and to adopt rules necessary for that purpose, the Health Director may only proceed as necessary to enforce state statutes and rules as an agent of the state in pursuit of state actions.**

SECTION VIII-SEVERABILITY

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations, or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION IX-APPEAL

1. Appeals concerning the enforcement of these Rules adopted by the Haywood County Board of Health and concerning the imposition of administrative penalties by the Haywood County Health Director shall be conducted in accordance with Subsections (b), (c) and (d) of Section 24 of Chapter 130A of the General Statutes of North Carolina. Pursuant to those subsections, the procedure for an appeal by an aggrieved person from a penalty or enforcement action taken by the Haywood County Health Director shall be as follows:
 - A. The aggrieved person shall give written notice to the Haywood County Health Director within 30 days of the challenged action. The notice shall contain the name and address of the aggrieved person, a description of the challenged action and a statement of the reasons why the challenged action is incorrect.
 - B. Upon filing of a notice of appeal, the Haywood County Health Director shall, within 5 working days, transmit to each member of the Haywood County Board of Health the notice of appeal and the papers and materials upon which the challenged action was taken.
 - C. The Haywood County Board of Health shall hold a hearing within 15 days of the receipt of the notice of appeal.. The Board of Health shall give the appealing party not less than 10 days notice of the date, time and place of the hearing.
 - D. On appeal, the Haywood County Board of Health shall have the authority to affirm, modify or reverse the challenged action. The local board of health shall issue a written decision based on the evidence presented at the hearing. The decision shall contain a concise statement of the reasons for the decision.
 - E. A person who wishes to contest a decision of the Haywood County Board of Health made pursuant to this Section shall have a right of appeal to the District Court having jurisdiction within 30 days after the date of the decision by the Board.

SECTION X-EFFECTIVE DATE

These amended regulations were adopted on -----, at a regular meeting of the Haywood County Board of Health and shall be in full force and effect immediately.

DRAFT
Haywood County Board of Health Policy &
Health Department
Procedures addressing
Public Health Risks & Related Solid Waste Issues
July 6,2010

BOARD OF HEALTH POLICY:

1. According the NC General Statute 130A-39, the Board of Health is responsible to promote and protect public health. Therefore, the Board of Health initially adopted a rule in 1970. The intent and goal of this Board of Health Policy as directed by the Board of Health rule is to provide clarity and enforcement guidelines as well as to prevent the public from being exposed to public health risks or imminent hazards. This policy applies to the management of public health risks and solid waste issues exclusive of the local solid waste collection and disposal system.
2. This policy is based upon understanding public health risks, public health practices and procedures, including applicable epidemiological research and other scientific knowledge.
3. Staff shall investigate the potential public health risk and attempt an informal resolution of verified public health risks. In the event than an informal resolution cannot be attained, further action will be taken to reach compliance.
4. In cases of disputed violations of the Board of Health rule or applicable general statutes, the aggrieved person(s), Health Department and Board of Health shall follow the appeals process specified in NCGS 130A-24(b),(c),(d) as amended from time to time, and as set forth in the Board of Health rule.

DEFINITIONS:

1. **PUBLIC HEALTH RISKS:** means a situation that negatively affects the health of people and/or the environment in proximity to the causative event. An event that substantially and unreasonably interferes with the health of the public.
2. **IMMINENT HAZARD:** means a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
3. **COMPLAINT:** means events or situations identified by or reported to the Health Department as public health risks or imminent hazards.

APPLICABLE GENERAL STATUES as amended from time to time:

NCGS 130A-17 Right of entry

NCGS 130A-18 Injunction

NCGS 130A-19 Abatement of public health nuisance

NCGS 130A-20 Abatement of an imminent hazard

NCGS 130A-24 Appeals procedure

NCGS 130A-25 Misdemeanor

NCGS 130A-39(a) Powers and duties of a local board of health

NCGS 130A-41 Powers and duties of local health director

NCGS 14-399 Littering

NCGS 15-27.2 Warrants to conduct inspections authorized by law.

NCGS 44A Statutory Liens on Real Property.

HEALTH DEPARTMENT PROCEDURES:

1. Information related to suspected violations of the Board of Health rule are to be reported to the Health Department's Environmental Health Division. Information to be collected include but are not limited to the following:
 - Description of the event, public health risk
 - Location of the suspected risk
 - Date and time of the event and report
 - Name of person reporting the event or risk
 - Contact information
 - Staff person receiving the information.
2. Environmental Health staff shall identify the property owner where the alleged public health risk as been reported to exist using legal records available through the county.
3. Staff shall attempt to contact directly the legal property owner to request permission to enter the property for the purposes of the investigation. This contact will be attempted by telephone. If no response after 24 hours, a certified letter return receipt requested will be sent to the property owner's address listed on the legal record. The property owner is required to contact the Health Department within 5 business days from receipt of the letter. Once staff have received the property owner's permission, they shall proceed with the investigation. If the property owner refuses to give permission, the Health Department shall seek an administrative search warrant prior to proceeding with the risk investigation on the property.
4. The Environmental Health Staff will initiate the investigation of the report within 1 to 2 business days after receipt of the report. **This timeframe may be altered depending on the description of the event and the potential threat to the public's health or environment. Response to risk investigations that imply an imminent hazard will take priority.** Additional information may be collected to determine the risk thoroughly if the department determines that is necessary given the circumstances. The additional data will be identified and collected as soon as feasible.
5. The following preliminary data will be collected by Environmental Health staff:
 - Type of public health risk
 - Quantity and extent of risk sources
 - Any control mechanisms governing the level of risk
 - Current and future condition of the control mechanisms
 - Identification of risk transport mechanism that might move the risks to other sites where a negative impact can occur if the control mechanism fails.
 - A qualifying description of damage to targets of the public health risk
 - Recommendation to abate the public health risk

6. On receipt of a public health risk notice, the property owner will be notified by the Health Department that assistance in correcting the public health risks may be made available.
7. If no resolution is reached, the health director shall notify by personal service or registered or certified mail to the property owner on which a public health risk exists. Such notice shall state the particulars of the public health risk, the date on which the public health risk was verified by the Health Department, and shall state that the property owner has 30 days from receipt of the notice in which to abate the public health risk.
8. In order of priority, except in the case of an imminent hazard, the Health Director or designee shall make a reasonable effort to abate the public health risk thru voluntary compliance with the corrective instructions to the property owner, and thereafter thru formal abatement procedures as authorized under GS 130A-19 giving the person a period of at least 30 days to comply with the order. If the person fails to comply, the injunction remedy under GS 130A-18 or the criminal misdemeanor authorized under GS 130A-25 shall then be appropriate. The Health Director shall contact the County Attorney to pursue further legal action as allowed by NC GS 130A.
9. Contact the County Manager's office and County Attorney to discuss expenditures and legal steps related to the abatement of the public health risk
10. Upon consultation with the County Attorney, if the property owner refuses to comply with the order, the Health Director may institute action in district or superior court.
- 11.. If the local Health Director is ordered to abate the public health risk, the county shall have a lien on the property for the costs of the abatement of the public risk in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein, (see Filing claim of lien on real property below).
12. The Health Director or designee shall inform the Board of Health Chair of an imminent hazard as soon as possible upon determination of the event.
13. The Health Director or designee shall at least quarterly report activity under the Board of Health rule, policy and procedures to the Board of Health.

AMENDED RULES AND REGULATIONS GOVERNING THE STORAGE, COLLECTION, TRANSPORTING, AND DISPOSAL OF SOLID WASTE PRIOR TO ACCEPTANCE INTO THE HAYWOOD COUNTY SOLID WASTE COLLECTION AND DISPOSAL SYSTEM OF SOLID WASTE IN HAYWOOD COUNTY, NORTH CAROLINA

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- E. HEALTH DIRECTOR-Means the Director of the Haywood County Health Department, or his authorized representative.
- F. IMMINENT HAZARD-Means **a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.**
- G. SOLID WASTE COLLECTOR-Means any person who collects or transports solid waste for compensation of any type, other than one who removes solid wastes from his own premises.

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- I. VECTOR-Means an insect, rodent, or other animal that transmits infectious diseases from one person or animal to another.
- J. PREMISES-Means a parcel(s) of land and the buildings on it.

SECTION II-APPLICABILITY AND GENERAL CONDITIONS

These rules shall apply to the management of solid waste prior to acceptance into the Haywood County Solid Waste collection and disposal system. Solid waste management methods implemented through these rules shall be based upon public health practices and procedures, including applicable epidemiological research and other scientific knowledge. All solid waste shall be stored, collected, transported, treated, utilized, processed, reclaimed, recycled, and disposed of in a manner consistent with the requirements of federal, state, and county laws and ordinances. In addition to these rules and regulations, the health director may determine and utilize other applicable public statutes to address solid waste violations.

SECTION III-SOLID WASTE STORAGE

- A. The owner, occupant, tenant, lessee, or person in charge of any premise, shall be responsible for the sanitary storage of all solid waste accumulated at that premise.
- B. Garbage shall be stored ~~so that no~~ **or managed to minimize** putrescible odor ~~will exist~~. Containers shall be a quality leak proof container. Containers shall be stored in such a manner and of duration so as not to create a public health risk.
- C. Rubbish shall be stored in such a manner to prevent:
 - 1. Harborage for rodents.
 - 2. The collection or confinement of water to breed mosquitoes, flies, or other vectors.
 - 3. ~~It being windblown or washed off the property where stored regardless of proximity to any residence, or premise or anyplace of public use.~~
 - 4. ~~A fire hazard.~~

SECTION IV-SOLID WASTE COLLECTION AND TRANSPORTATION

Solid waste shall be collected and transported in such a manner so as not to create a public health risk. Transportation shall comply with Haywood County Solid Waste Ordinance.

SECTION V-SOLID WASTE DISPOSAL

All solid waste shall be disposed of by methods consistent with local ordinances, federal and state rules addressing public health risk.

SECTION VI-PENALTY AND ENFORCEMENT

- A. Any person who violates **these rules** adopted by the Haywood County Board of Health shall be guilty of a **Class 1 criminal** misdemeanor, pursuant to Section 25 (a) of Chapter 130A **and Section 3(a) of Chapter 14** of the General Statutes of North Carolina.
- B. Any person who violates **these rules** may be subject to an action for injunctive relief in Superior Court of Haywood County, pursuant to Section 18 of Chapter 130A of the General Statutes of North Carolina.
- C. The Haywood County Health Director may issue an order of abatement directing the owner, lessee, operator or other person in control of property to take any action necessary to abate a public health nuisance including the power to abate the nuisance and file a lien on the property, pursuant to Section 19 of Chapter 130A of the General Statutes of North Carolina.
- D. **In order of priority, except in the case of an imminent hazard, the Health Director of designee shall make a reasonable effort to abate the public health risk through voluntary compliance with corrective instructions to the property owner or person in lawful possession of the property. If denied permission to enter the property by the property owner, the Health Director shall first apply for and obtain an administrative search warrant before entering the premises except in cases of an imminent hazard as specified in GS 130A-20 and defined in GS 130A-2(3). Thereafter the Health Director shall proceed with formal abatement procedures as authorized under GS 130A-19 giving the person a period of at least 3 days to comply with the order. If the person fails to comply, the injunction remedy under GS 130A-18 or the criminal misdemeanor authorized under GS 130A-25 shall then be appropriate.**
- E. Where the Haywood County Health Director determines that an imminent hazard **as defined and as amended from time to time, in Section 2 (3) of chapter 130A of the general Statutes of North Carolina** exists, he or she may **after making a reasonable attempt to give notice to the owner or a person in possession of the premises** enter upon any property and take any action necessary to abate the imminent hazard, pursuant to Section 20 of Chapter 130A of the General Statutes of North Carolina. **~~When denied permission to enter the premises for purposes permitted under Section 20 of Chapter 130A, the Health Director shall first apply for and obtain an administrative search warrant before entering the premises.~~**

SECTION VII-CONFLICTING REGULATIONS REPEALED

All regulations or parts of regulation in conflict herewith are repealed, as of the effective date of these amended regulations, but only to the extent necessary to give these regulations full force and effect. **If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held to exceed the authority of state statutes or to not be pursuant to the power and duty of the Health Director to carry out the responsibilities delegated under Section 39 of Chapter 130A of the General Statutes of North Carolina to the Board of Health to protect and promote the public health and to adopt rules necessary for that purpose, the Health Director may only proceed as necessary to enforce state statutes and rules as an agent of the state in pursuit of state actions. Where a state statute or County ordinance provides a lesser penalty for an offense than is provided for by a violation of this Rule, the lesser degree or class of criminal penalty shall take precedence and control.**

SECTION VIII-SEVERABILITY

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations, or the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION IX-APPEAL

1. Appeals concerning the enforcement of these Rules adopted by the Haywood County Board of Health and concerning the imposition of administrative penalties by the Haywood County Health Director shall be conducted in accordance with Subsections (b), © and (d) of Section 24 of Chapter 130A of the General Statutes of North Carolina. Pursuant to those subsections, the procedure for an appeal by an aggrieved person from a penalty or enforcement action taken by the Haywood County Health Director shall be as follows:
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 - B. Upon filing of a notice of appeal, the Haywood County Health Director shall, within 5 working days, transmit to each member of the Haywood County Board of Health the notice of appeal and the papers and materials upon which the challenged action was taken.
 - C. The Haywood County Board of Health shall hold a hearing within 15 days of the receipt of the notice of appeal.. The Board of Health shall give the appealing party not less than 10 days notice of the date, time and place of the hearing.
 - D. On appeal, the Haywood County Board of Health shall have the authority to affirm, modify or reverse the challenged action. The local board of health shall issue a written decision based on the evidence presented at the hearing. The decision shall contain a concise statement of the reasons for the decision.
 - E. A person who wishes to contest a decision of the Haywood County Board of Health made pursuant to this Section shall have a right of appeal to the District Court having jurisdiction within 30 days after the date of the decision by the Board.

SECTION X-EFFECTIVE DATE

These amended regulations were adopted on -----, at a regular meeting of the Haywood County Board of Health and shall be in full force and effect immediately.

Link to NC General Statues: <http://www.ncga.state.nc.us/>

DRAFT
Haywood County Board of Health Policy &
Health Department
Procedures addressing
Public Health Risks & Related Solid Waste Issues
July 6 13,2010

BOARD OF HEALTH POLICY:

1. According the NC General Statute 130A-39, the Board of Health is responsible to promote and protect public health. Therefore, the Board of Health initially adopted a rule in 1970. The intent and goal of this Board of Health Policy as directed by the Board of Health rule is to provide clarity and enforcement guidelines as well as to prevent the public from being exposed to public health risks or imminent hazards. This policy applies to the management of public health risks and solid waste issues exclusive of the local solid waste collection and disposal system.
2. This policy is based upon understanding public health risks, public health practices and procedures, including applicable epidemiological research and other scientific knowledge.
3. Staff shall investigate the potential public health risk and attempt an informal resolution of verified public health risks. In the event than an informal resolution cannot be attained, further action will be taken to reach compliance.
4. In cases of disputed violations of the Board of Health rule or applicable general statutes, the aggrieved person(s), Health Department and Board of Health shall follow the appeals process specified in NCGS 130A-24(b),(c),(d) as amended from time to time, and as set forth in the Board of Health rule.

DEFINITIONS:

1. **PUBLIC HEALTH RISKS:** means a situation that negatively affects the health of people and/or the environment in proximity to the causative event. An event that substantially and unreasonably interferes with the health of the public.
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APPLICABLE GENERAL STATUES as amended from time to time:

NCGS 130A-17 Right of entry

NCGS 130A-18 Injunction

NCGS 130A-19 Abatement of public health nuisance

NCGS 130A-20 Abatement of an imminent hazard

NCGS 130A-24 Appeals procedure

NCGS 130A-25 Misdemeanor

NCGS 130A-39(a) Powers and duties of a local board of health

NCGS 130A-41 Powers and duties of local health director

NCGS 14-399 Littering

NCGS 15-27.2 Warrants to conduct inspections authorized by law.

NCGS 44A Statutory Liens on Real Property.

HEALTH DEPARTMENT PROCEDURES:

1. Information related to suspected violations of the Board of Health rule are to be reported to the Health Department's Environmental Health Division. Information to be collected include but are not limited to the following:
 - Description of the event, public health risk
 - Location of the suspected risk
 - Date and time of the event and report
 - Name of person reporting the event or risk
 - Contact information
 - Staff person receiving the information.
2. Environmental Health staff shall identify the property owner **and the person in lawful possession of the property** where the alleged public health risk as been reported to exist using legal records available through the county.
3. Staff shall attempt to contact directly the legal property owner **and the person in lawful possession of the property** to request permission to enter the property for the purposes of the investigation. This contact will be attempted by telephone **or in person**. If no response after 24 hours, a certified letter return receipt requested will be sent to the property owner's address listed on the legal record. The property owner is required to contact the Health Department within 5 business days from receipt of the letter. Once staff have received the property owner's permission, they shall proceed with the investigation. If the property owner refuses to give permission, the Health Department shall seek an administrative search warrant prior to proceeding with the risk investigation on the property.
4. The Environmental Health Staff will initiate the investigation of the report within 1 to 2 business days after receipt of the report. **This timeframe may be altered depending on the description of the event and the potential threat to the public's health or environment. Response to risk investigations that imply an imminent hazard will take priority.** Additional information may be collected to determine the risk thoroughly if the department determines that is necessary given the circumstances. The additional data will be identified and collected as soon as feasible.
5. The following preliminary data will be collected by Environmental Health staff:
 - Type of public health risk
 - Quantity and extent of risk sources
 - Any control mechanisms governing the level of risk
 - Current and future condition of the control mechanisms
 - Identification of risk transport mechanism that might move the risks to other sites where a negative impact can occur if the control mechanism fails.
 - A qualifying description of damage to targets of the public health risk
 - Recommendation to abate the public health risk

6. On receipt of a public health risk notice, the property owner will be notified by the Health Department that assistance in correcting the public health risks may be made available.
7. If no resolution is reached, the health director shall notify by personal service or registered or certified mail to the property owner **and the person in lawful possession of the property** on which a public health risk exists. Such notice shall state the particulars of the public health risk, the date on which the public health risk was verified by the Health Department, and shall state that the property owner has 30 days from receipt of the notice in which to abate the public health risk.
8. In order of priority, except in the case of an imminent hazard, the Health Director or designee shall make a reasonable effort to abate the public health risk ~~thru~~**through** voluntary compliance with the corrective instructions to the property owner, and thereafter ~~thru~~**through** formal abatement procedures as authorized under GS 130A-19 giving the person a period of at least 30 days to comply with the order. If the person fails to comply, the injunction remedy under GS 130A-18 or the criminal misdemeanor authorized under GS 130A-25 shall then be appropriate. The Health Director shall contact the County Attorney to pursue further legal action as allowed by NC GS 130A.
9. **The Health Director shall c**~~ontact~~ the County Manager's office and County Attorney to discuss expenditures and legal steps related to the abatement of the public health risk
10. Upon consultation with the County Attorney, if the property owner **and the person in lawful possession of the property** refuses to comply with the order, the Health Director may institute action in district or superior court.
11. If the local Health Director is ordered to abate the public health risk, the county shall have a lien on the property for the costs of the abatement of the public risk in the nature of a mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes and the lien may be enforced as provided therein. ~~(see Filing claim of lien on real property below).~~
12. The Health Director or designee shall inform the Board of Health Chair of an imminent hazard as soon as possible upon determination of the event.
13. The Health Director or designee shall at least quarterly report activity under the Board of Health rule, policy and procedures to the Board of Health.