

Health Department Complaint Procedure

The following is a procedure that was adopted regarding complaints on health department issues. This process assumes an inspection conducted by the Health Department. The Health Department does city wide inspection every five years, but in the years between those city-wide inspections the Health Department conduct regional inspections in areas deemed to have larger than average violations. From that inspection process the Health Department and the City Prosecutor's office developed a plan of action for enforcing the Health Code that is presented below. Each step is numbered as it happens first with the Health Department and then with the City Prosecutor's office.

1. The Health Department conducts an inspection and from that inspection assembles a list of homes that have at least one violation.
2. From that list they send their standard letter that allows the homeowner 30 days to correct the problem.
3. A follow up inspection is conducted within 30 days after the compliance date to determine if there is compliance.
4. If it is determined that a correction has not occurred then another letter will be sent out informing the homeowner/occupant that if a correction or plan of correction is not submitted to the Health Department within 10 days then a civil infraction will be issued. This letter will be copied to the Bowling Green City Prosecutor's Office.
5. At this point the City Prosecutor's Office will create a file so as to follow up on this case.
6. Another inspection is conducted following the 10 day compliance letter. This is typically done within 20 days of the deadline.
7. If no correction is found then a civil infraction for the violation is issued. At this point the person has to respond to the civil infraction in the following ways:
 - a. Deny the infraction and set the matter for hearing.
 - b. Pay for the violation

- c. Correct the violation and ask for a reduction in fine as allowed under the Civil Infraction Code.
- 8. If the defendant does not respond to the civil infraction citation the following will happen in the City Prosecutor's Office:
 - a. A notice will be sent to the violator giving that person 10 days to respond to the civil infraction.
 - b. If there is no response then a civil action will be instituted by filing a complaint in the Bowling Green Municipal Court.
 - i. This matter will then be litigated with the result of obtaining payment from the violator or judgment against the violator
 - ii. Typically this results in a default judgment against the violator
 - iii. Once a judgment is obtained this will be added to the violators credit history.
- 9. At the same time that the City Prosecutor's office is pursuing the civil infraction through civil proceedings in the Bowling Green Municipal Court, and assuming there is no compliance as a result of the civil infraction, then the City Prosecutor will proceed with a criminal action.
- 10. The City Prosecutor's office will issue a letter to the homeowner/occupant that if correction or a plan of action is not submitted to the Health Department within 10 days a criminal citation will be issued. Determination of whether or not a person has complied should occur within 10 days following the notice deadline. If within that time there is no compliance then the City Prosecutor's office will issue a criminal complaint and obtain compliance through court orders.