

Hearing 23-006

May 9, 2023

**BEFORE THE
FRANKLIN COUNTY DISTRICT BOARD OF HEALTH
COLUMBUS, OHIO**

In the matter of:

The Real Property known as:

1053 Brown Road

Columbus, Ohio 43223

Tax District #140, Parcel ID #000194-00 and Parcel ID #002966

Franklin Township

FINDINGS AND ORDERS

WHEREAS, Charles Rife and Deborah L. Rife ("Property Owners"), are listed as the owners of record for 1053 Brown Road; Columbus, Ohio 43223 (Franklin Township, Tax District #140, Parcel ID #000194-00 and Parcel ID #002966) ("Property") by the Franklin County Auditor;

WHEREAS, Charles Rife and Deborah L. Rife were notified of this hearing on April 28, 2023 and a copy of the notice of hearing was posted at the Property;

WHEREAS, the property was a Nuisance case in 2022 and sent to the Prosecutor's Office. Due to the nature of the issue last year, it was closed-out and sent to Franklin County Development Department Zoning Division as FCPH did not see a Public Health Nuisance, but rather zoning code violations;

WHEREAS, this case has opened again and FCPH is able to see the Public Health violations. FCPH is asking that the case to be brought to the Board for Order again. This is currently a case with the Franklin County Development Department Zoning Division and Franklin Township;

WHEREAS, the following evidence was presented and fully incorporated into the hearing before the Franklin County Board of Health ("Board") on May 9, 2023:

The following documentation is attached:

- Initial Complaint from 2022
- Inspection Reports/documentation
- Violation Summary
- Board of Health Hearing notice
- Photos
- Follow up complaint
- Rationale for closing case in 2022

Date	Action
03/18/2022	Initial Complaint Received
03/21/2022	Observation #1 by Environmental Health Tech – Made contact with Occupant
04/11/2022	Observation #2 by Environmental Health Tech – No Change
05/02/2022	Inspection #1 by Registered Environmental Health Specialist – No Change
05/05/2022	Inspection #2 by Registered Environmental Health Specialist – No Change
06/02/2022	Inspection #3 by Registered Environmental Health Specialist – No Change
06/02/2022	Notice of Hearing Posted at Property
09/12/2022	Referred to Prosecutor's office
11/14/2022	Closed case at Prosecutor's Office due to lack of verification nuisance was public health enforceable. Zoning had a case as well
3/15/2023	Received new complaint and updated information regarding PH nuisances. Communicated and coordinated with Franklin Township and FC Zoning regarding the case and updates/
4/14/2023	Met with Prosecutor to discuss joining cases.
4/18/2023	Inspection by Registered Environmental Health Specialist-More items visible that have specific public health nuisance qualifications, including scrap tires and containers holding water.
4/26/2023	Posted new hearing information

WHEREAS, Ohio Revised Code 3707.01 (B) states: "The board of health of a ... general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders";

WHEREAS, the Board heard testimony from Jeff Gibbs, Environmental Health Division Manager. Jeff Gibbs presented the matter to the Board and recommended that the Board declare the conditions at the Property to constitute a nuisance subject to abatement;

WHEREAS, the owners and/or the owner's representative of the Property, were/were not present, and were/were not represented by counsel; and

WHEREFORE, based upon the evidence submitted and admitted into the record:

THE BOARD OF HEALTH HEREBY DECLARES AND ORDERS:

1. That the conditions at the property located at 1053 Brown Road; Columbus, Ohio 43223 (Franklin Township, Tax District #140, Parcel ID #000194-00 and Parcel ID #002966-00) constitute a nuisance.
2. That the Property Owners, agents, assignees, occupants, or tenants ("Specific Persons"), as identified above, of the Property shall abate and remove the nuisance conditions within thirty (30) days and specifically: remove and properly dispose of solid waste, scrap tires, any items holding standing water, including barrels; debris, junk and garbage from the Property to a licensed disposal facility.
3. If this Order is neglected or disregarded, in whole or in part, the Board may elect any of the administrative remedies available pursuant to Ohio Revised Code Section 3707.02 or refer the matter to the Franklin County Prosecuting Attorney to file a request for injunctive relief in the Franklin County Municipal Court, Environmental Division and to request that any costs of the abatement shall be assessed as liens against the Property.
4. This Order shall be in full force and effect from and immediately upon its adoption and shall, consistent with Ohio Revised Code Section 3707.54 only apply to the Specific Persons.

5. This Order may be appealed pursuant to Ohio Revised Code Chapter 2506 by filing a notice of appeal within 30 days with Franklin County Public Health and the Franklin County Court of Common Pleas. In addition, the Franklin County Municipal Court, Environmental Division, may have jurisdiction for such an appeal, pursuant to R.C. 1901.181. This notification does not in any way preclude Franklin County Public Health from arguing any jurisdictional matters.

IT IS SO ORDERED.

Franklin County Board of Health
Board Members
