



Public Health

Prevent. Promote. Protect.

March 2, 2024
Law Seminar – Nuisance

Deborah A. Dawson, Civil Division Chief, Stark County Prosecutor's Office
Randy Ruszkowski, REHS, MPH, Unit Manager, Stark County Health Department



All Complaints are different.



WHAT CONSTITUTES A PUBLIC HEALTH NUISANCE?

- Must have a public health significance
 - Prevent the spread of disease

OR

- Be written specifically in Ohio Code.
 - Open dumping of Solid Waste, C&DD, Scrap tires...
 - Food Safety Code
 - Sewage Regulations



SOME agencies that we have partnered with:

- **Ohio Environmental Protection Agency**
- **Ohio Department of Health**
- **Ohio Department of Agriculture**
- **Ohio Department of Natural Resources**
- **US Environmental Protection Agency**
- **Canton Air Pollution Control Office**
- **Stark County Prosecutor's Office**
- **Stark County Auditor's Office**
- **Stark County Commissioners**
- **Local Zoning**
- **Local Law Enforcement**
- **Stark Soil and Water Conservation District**
- **Stark Tuscarawas Wayne Joint Solid Waste Management District**
- **Stark County Jobs and Family Services**
 - **Adult Protective Services**
 - **Child Protective Services**

Public Health

Open Dumping

- Solid Waste
- Construction and Demolition Debris
- Scrap Tires



Open Dumping – Solid Waste

Prohibited by Ohio Revised and Ohio Administrative Codes



7 days for putrescible

Not an approved form
of pest control

Open Dumping of Construction and Demolition Debris

- Prohibited by Ohio Revised Code and Ohio Administrative Code
- By definition, spent railroad ties are considered C&DD
- Over 60,000 Railroad ties were deposited here





A company must be registered with OEPA to haul more than 10 tires



SCRAP TIRE DUMPING

**Prohibited by Ohio Revised and
Administrative Codes**



Yard waste disposal is regulated by ORC and OAC













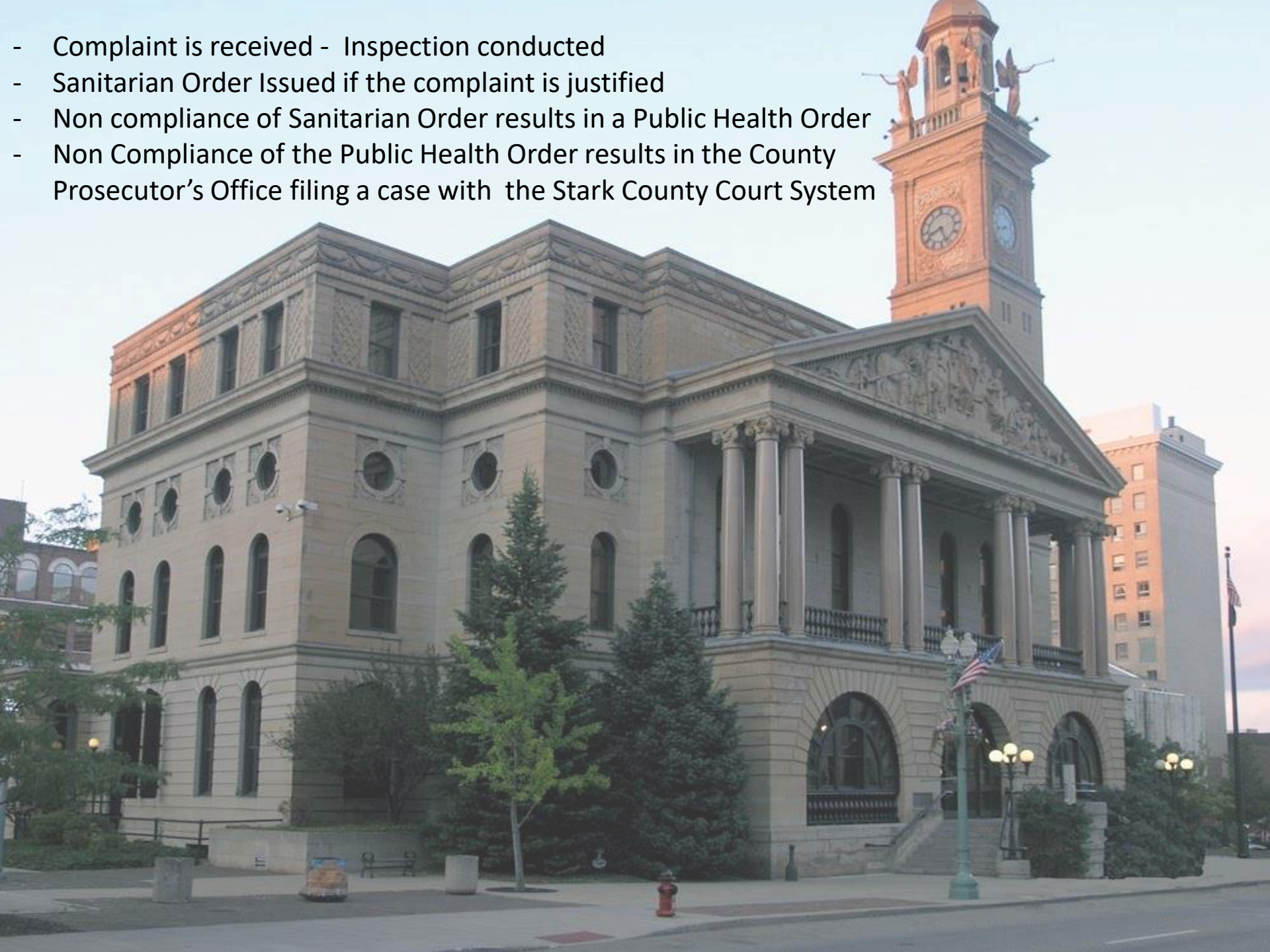








- Complaint is received - Inspection conducted
- Sanitarian Order Issued if the complaint is justified
- Non compliance of Sanitarian Order results in a Public Health Order
- Non Compliance of the Public Health Order results in the County Prosecutor's Office filing a case with the Stark County Court System



The Following Slides are an Example of the Stark County Health Department's Abatement Process



EXAMPLE – 2887 NEWMONT, PIKE TOWNSHIP

We receive a complaint:

- It gets logged into our database and tracked by Parcel Number.
- It is reviewed and assigned to a Environmental Health Specialist

Facility Information					
Name 4801148		Location Type Complaint		Telephone number (330)956-4652	
Health Office Stark County Health Department		Political Subdivision Pike ☒			
Primary Contact Title		Primary Contact First Debra		Primary Contact Last Strobel	
Building # 2887	Direction	Street Name Newmont ☒	Type St	Suffix SE	Unit #
Zip Code 44643	City Magnolia	County Stark	State OH		
Country USA	Directions				

General Details		☐ Critical
Complaint Type Housing – (Trash hoarding, unsanitary condition)		Date Received 09-Apr-2015 03:38 PM
Investigation Start Date 14-Apr-2015		Date Closed
Received By Courtney Rusnak		Referred To Michael Hesson ☒
Confirmation No		Census Tract
Complaint ID CRUK-A47S88		

Complainant Information		☐ Asked to remain	☐ Verified
Name Sharon Perrine - Pike Twp Zoning		Phone #1 (330)866-3433	Phone #2 (330)
Address		Email	Results Requested ☐ No ☐ Yes
City		State OH	Zip Code
Country			

Debra K Strobel
Age:
55-59

Husband: Dennis Strobel
Passed Away.

Phone numbers

~~330-866-3730~~
~~Ameritech Landline~~

Disconnected.

~~330-956-4652~~

~~Time Warner Communications Fixed voip~~

No answer.

~~330-866-2056~~

~~Ameritech Landline~~

Disconnected.

Address

1806 Superior Ave NECanton, OH 44705-2252

Possible e-mail:

debbie.strobel@hotmail.com.

People Debra may know

Ginger A Carpenter
Travis W Butler
Danielle M Strobel

Previous locations

Magnolia, OH

X

Christopher Strobel

Medina - Could Not

Find a Phone number

Debra's ~~Daughters~~ Daughters

Kristy Butler - Canton

Danielle Dorsey - Carroll, OH

Possible address: 1806 Superior Ave NE
Same as above.

Douglas Strobel

(330) 809-0712

6163 Hadleigh Ave S.W.

Mossillon, OH 44648

Sister to ~~Debra~~ Debra:

Kathy I Strobel

2009 Village St. S.E

Found no number.

NUISANCE
2887 NEWmont

DELAYS IN THE ABATEMENT PROCESS

- Complaint must be a Public Health Nuisance
 - Not all nuisances or “eye-sores” are public health nuisances;
- Due Process;
- Delays achieving compliance occur when:
 - Property owner is deceased,
 - Owner has abandoned the property,
 - No Service address,
 - Owner is in jail,
 - Owner has been ill or in the hospital,
 - Signs posted - No Trespassing – Private Property – Trespassers will be shot.
- NOTES: Progress being made, but at a slower pace.

Stark County Health Department

Kirkland Norris, RS, MPH, Health Commissioner
Philip Frances, President of the Board of Health
Maureen Ahmann, DO, Medical Director



Public Health
Prevent. Promote. Protect.

September 30, 2016

Debra K. Strobel
1806 Superior Ave NE.
Canton, Ohio 44705

RE: PROPERTY LOCATED AT 2887 Newmont St., Magnolia, Ohio, 44643-9712, Parcel # 4801148

Dear Mrs. Strobel:

On September 16, 2016, the undersigned conducted a complaint inspection at the property referenced above. At the time of inspection it was observed that the structure on the property was not secured and miscellaneous solid waste on the property. As a result, you are in violation of:

Ohio Revised Code 3707.01: *The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction...*

Ohio Administrative Code 3745-27-05(C): *No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed.*

You are hereby given **7 days** from the date of this letter to comply with the following:

- Secure all and any openings at the house (the windows, doors, and roof of the habitual structure) located at the property referenced above, or have the structure razed;
- Properly dispose of the solid waste at a licensed disposal facility and remit copies of the receipts to The Stark County Health Department upon completion.

Failure to comply with this **Sanitarian Order** will result in this matter being referred to the Stark County Health Commissioner for further enforcement. This correspondence addresses a specific observation only in the area that was inspected. Compliance with the requirements outlined in this correspondence does not relieve the obligations to comply with other local, state, or federal laws and regulations.

If you have any questions regarding this matter, you may contact me at 330.493.9904 ext. 275, or via email at hessonm@starkhealth.org.

Respectfully,

Michael Hesson, SIT
Environmental Health Services

3951 Convenience Circle NW • Canton, Ohio 44718 • Tel 330-493-9904 • Fax 330-493-9920

www.starkhealth.org • Follow Us on Facebook

"This agency is an equal provider of services and an equal opportunity employer - Civil Rights Act of 1964"



SANITARIAN ORDER –

This is the first enforcement letter that is part of the due process.

It is sent to the property owner, resident, or entity listed as the Tax Mailing Address from the Auditor's Office.

The S.O. states the code section that is being violated, and gives a timeframe to address the violation.

Stark County Health Department

Kirkland Norris, RS, MPH, Health Commissioner
Philip Frances, President of the Board of Health
Maureen Ahmann, DO, Medical Director



Public Health
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Debra K. Strobel
1806 Superior Ave NE.
Canton, Ohio 44705

PUBLIC HEALTH ORDER

RE: PROPERTY LOCATED AT 2887 Newmont St., Magnolia, Ohio, 44643-9712, Parcel # 4801148

Dear Mrs. Strobel,

On September 16, 2016 a sanitarian order was issued by Michael Hesson, SIT, of the Stark County Health Department concerning the following: a structure on the property that was not secured and miscellaneous solid waste was observed on the property. Therefore you are in violation of **Ohio Administrative code 3745-27-05(C) and Ohio Revised Code 3707.01**. As of October 12, 2016 the following orders have not been addressed:

- Secure all and any openings at the house (the windows, doors, and roof of the habitual structure) located at the property referenced above; or have the structure razed;
- Properly dispose of the solid waste at a licensed disposal facility and remit copies of the receipts to The Stark County Health Department upon completion.

Therefore, you are hereby ordered to have the above orders completed within **seven (7) days** from the date of this letter. Please note, failure to comply with these orders will result in the matter being forwarded to the Stark County Prosecutor's office for further enforcement.

Note: Once this matter is turned over to the prosecutor's office, it will be filed that you, the property owner, will be responsible for all legal fees.

This correspondence addresses a specific observation only in the area that was inspected. Compliance with the requirements outlined in this correspondence does not relieve the obligations to comply with other local, state, or federal laws and regulations.

If there are any questions regarding this matter, you may contact Michael Hesson at 330.493.9904 ext. 275.

Sincerely,

Kirkland K. Norris, R.S., MPH
Health Commissioner

Date: October 17, 2016

PUBLIC HEALTH ORDER –

This is the second enforcement letter that is part of the due process.

The P.H.O. is sent if the issues from the Sanitarian Order were not addressed.

It is sent to the property owner, resident, or entity listed as the Tax Mailing Address from the Auditor's Office.

The P.H.O. is signed by the Health Commissioner and states the code section that is being violated, and gives an additional timeframe to address the violation.



COMPLAINT PACKAGE –

This is the third phase of the enforcement process.

If the violation(s) have not been addressed in the timeframe of the P.H.O., then a Complaint Package is prepared and relinquished to the Stark County Prosecutor's office.

Complaint Preparation

Location and township of violation:

2887 Newmont Street
Magnolia, Ohio 44643
Pike Twp.

Date of preparation: 10/25/2016

Parcel Number: 4801148

Date of 1st Inspection: April 13, 2015

Date of BO or PHO (Attach): October 17, 2016

Name and CURRENT Address of Defendant(s) and Statutory Agent if applicable (note Statutory Agent with asterisk):

Debra K. Stobel
1806 Superior Ave N.E.
Canton, Ohio 44705

☐ Certified and First Class Mail

Personal Service: Time/Date Preferred: _____

Process Service: Time/Date Preferred: _____

More information on back

Complaint verification signed and notarized? No ☐ Yes ☒
Noncompliance letter sent by supervisor? No ☒ Yes ☐ Date: _____
Preliminary injunction needed? No ☒ Yes ☐
Temporary restraining order needed? No ☒ Yes ☐ (if yes, attach reasons therefore)

Code Violations: (Check all that Apply):

☒ General Nuisance: O.R.C. 3707.01 ☐ Statutory Nuisances: O.R.C. 3767

☒ Solid Waste Disposal: O.R.C. 3734.03, 3734.05 (A); O.A.C. 3745-27-05 (C)

☐ Construction and Demolition Waste Disposal: O.R.C. 3714.12; O.A.C. 3745-400-04 (B)

☐ Sewage Disposal: O.R.C. 3718.011; O.A.C. 3701-29-06(C) and (E)

☐ Sanitary Sewer Connection: O.A.C. 3701-29-06 (C) and (I)

☐ Other: _____

General Allegations: *Improper disposal of solid waste on property, and the structure needs secured.*

Relief Requested: 1. Cease open dumping of all solid waste and construction and demolition debris.

2. Secure all openings to the structure or have the structure razed.

Special circumstances prosecutor should be aware of: This was filled once before but we could not find an address to serve Mrs. Stobel. I have copies of all previous documents (past sanitarian orders, Public Health Orders, etc.) from the first submission if needed.

COURT FILING –

If the Political Subdivision is willing to “partner” with the Health Department, we name them in the lawsuit.

pursuant to R.C. §3767.03, and a tax, pursuant to R.C. §3767.08.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs specifically request that this Court:

- (A) Issue a preliminary and permanent injunction, pursuant to R.C. §3709.211, R.C. §3707.021, R.C. §3767.03, R.C. §3734.10 and/or any other appropriate laws, prohibiting Defendant from adding to or further exacerbating the unsanitary and unsafe health conditions at the Site.
- (B) Issue a preliminary and permanent mandatory injunction, pursuant to R.C. §3709.211, R.C. §3707.021, R.C. §3767.03, R.C. §3734.10 and/or any other appropriate laws, ordering Defendant to abate and correct the unsanitary and unsafe health conditions and violations at the Site cited in the Stark County Combined General Health District September 16, 2015 Public Health Order.
- (C) Issue a preliminary and permanent injunction, pursuant to R.C. §§3734.10, 3767.02-3767.06, 3734.10 and/or any other appropriate laws,
- (D) Issue a mandatory injunction, pursuant to R.C. §§3734.10, 3734.20, 3767.02-3767.06 and any other appropriate laws, requiring Defendant to abate the illegal disposal and open dumping at the Site, including but not limited to, requiring Defendant to remove all solid wastes currently at the Site to an approved sanitary landfill.
- (E) Order Defendant to pay a civil penalty of up to \$10,000.00 per day of each violation of R.C. Chapter 3734, pursuant to R.C. §3734.10.
- (F) Order Defendant to pay a tax of \$300.00 for maintaining a nuisance, pursuant to R.C. §§3767.01-3767.13.
- (G) Authorize the Pike Township Board of Trustees and/or Plaintiff Board of Health to abate the above-referenced public health nuisance, in the event Defendant does not comply

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIOSTATE OF OHIO, EX REL.
JOHN D. FERRERO
PROSECUTING ATTORNEY, et al.,

CASE NO. 2016CV02422

JUDGE HAAS

Plaintiffs,

JUDGMENT ENTRY

v.

DEBRA K. STOBEL,

Defendant.

COURT JUDGEMENT –

the Political Subdivision is granted access to abate the nuisance and put it on the property tax.

This matter came before the Court on November 2, 2017, upon Plaintiff's Motion for Defendant, Debra K. Stobel, to Show Cause why she should not be held in contempt for failure to comply with this Court's Judgment Entry of March 8, 2017. Defendant has been served according to law, but failed to plead or appear.

After taking testimony and reviewing photographic evidence on the matter, this Court finds that Defendant Debra Stobel is in contempt of this Court's March 8, 2017 Order regarding the premises located at 2887 Newmont Street, Magnolia, Pike Township, Stark County, Ohio.

Defendant may purge herself of this contempt by doing the following, within two (2) weeks from the date of this Order:

Raze the building on the premises; properly abandon the water well and septic system after the house is razed; remove all solid waste from the premises; dispose of the solid waste at a licensed facility; dispose of any C & DD material at a licensed facility; provide receipts of said disposals to Plaintiff Stark County Board of Health; notify Plaintiff Board of Health when complete, so it may inspect the work done.

If Defendant does not do the above within the time ordered, the Pike Township Board of Trustees are hereby authorized to abate the public health nuisances by performing the above, and certify the costs thereof to the Stark County Auditor to be placed on the real estate property tax duplicate, as provided by law.

IT IS SO ORDERED.

A TRUE COPY TESTE:
LOUIS E. GIAVASIS, CLERK
By *[Signature]* Deputy
Date *11/6/17*

JUDGE HAAS





Industrial Excess Landfill (IEL) – Uniontown, Ohio - Lake Township

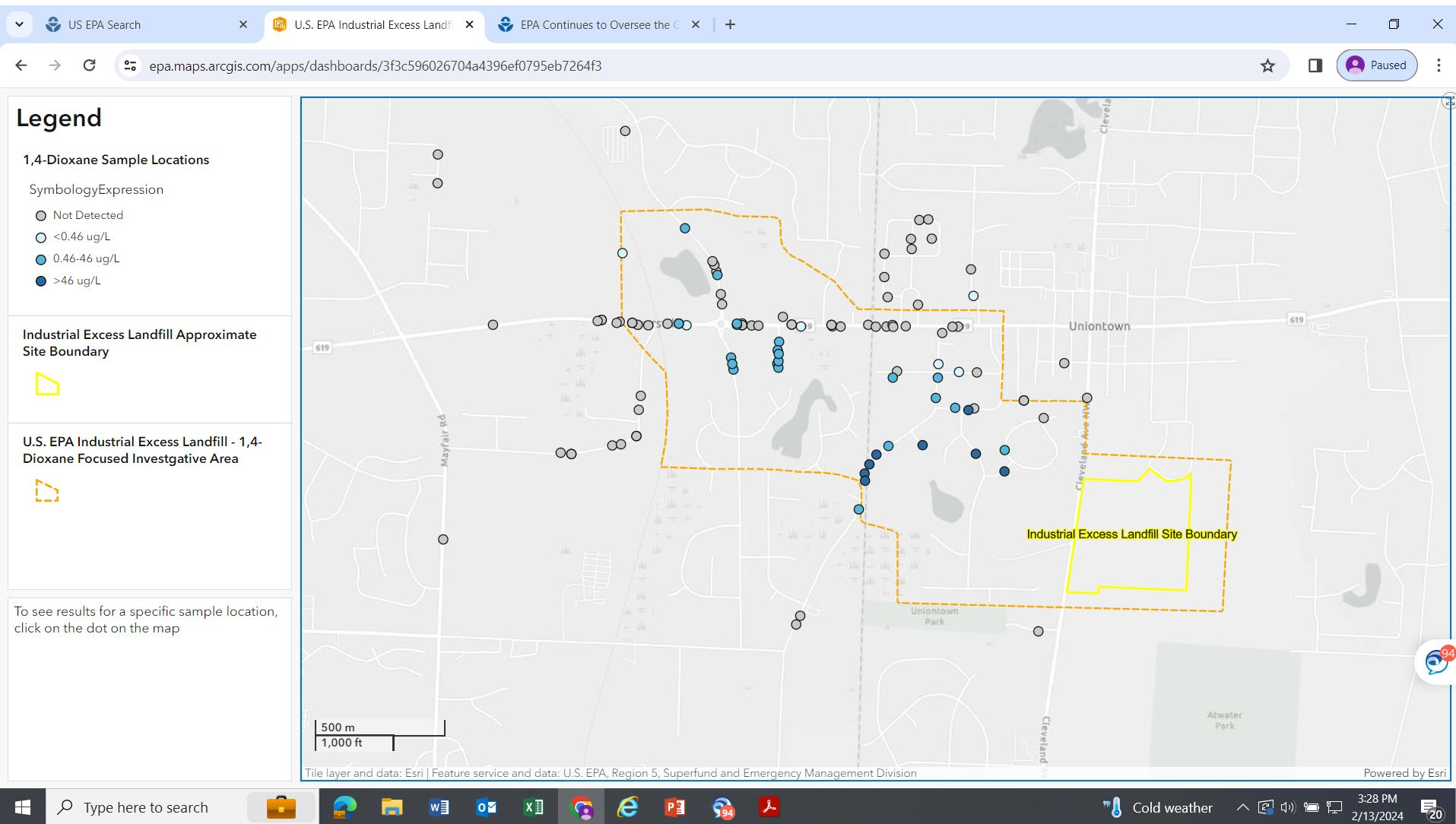
1,4 Dioxane groundwater contamination



Industrial Excess Landfill (IEL) – Uniontown, Ohio - Lake Township

1,4 Dioxane groundwater contamination

Residential wells that were tested



Industrial Excess Landfill (IEL) – Uniontown, Ohio - Lake Township

1,4 Dioxane groundwater contamination

LEGALITIES

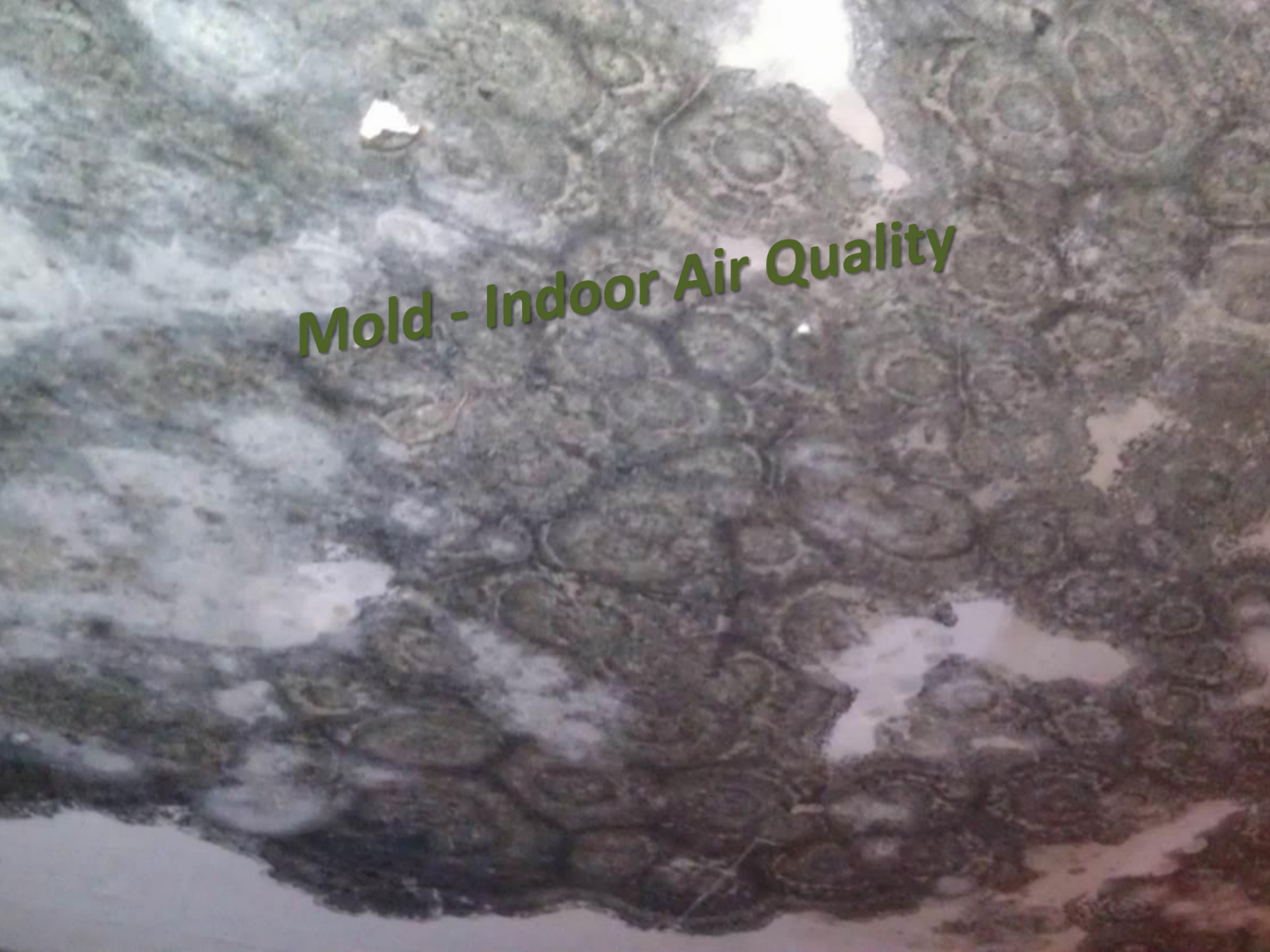
Federal statutes and procedures that the USEPA must adhere

Local Board of Health – Private Water Systems Code (OAC 3701-28-08(A))

- Consent to sample wells that are still present
 - If contamination is present
 - Abate wells and,
 - Connect to municipal water
- Property owners that do not consent
 - Informative letters
 - Potential enforcement
- Property owners that do not want to abandon well, but consent to municipal water connection
 - Variance request to OAC 3701-28

Ohio Administrative Code 3701-28-08(A)

If the department or board of health determines that any private water system, any part thereof, or any appurtenance thereto, is being maintained in such a fashion, has deteriorated to such an extent, has been abandoned, that a safety hazard exists or contaminants might enter ground water or the potable water supply so as to constitute a public health hazard, the department or board of health shall order such work to be performed on the private water system as is deemed necessary to prevent contamination of the ground water or the supply to protect public health or safety. If there is known groundwater contamination in an area, the board of health or the department may require access be provided for sampling of a private water system in that area for such parameters as are necessary to determine if the private water system is impacted by or contributing to the contamination, and may order such work as is necessary to ensure that the existing private water system does not contribute to the transport of the contamination.

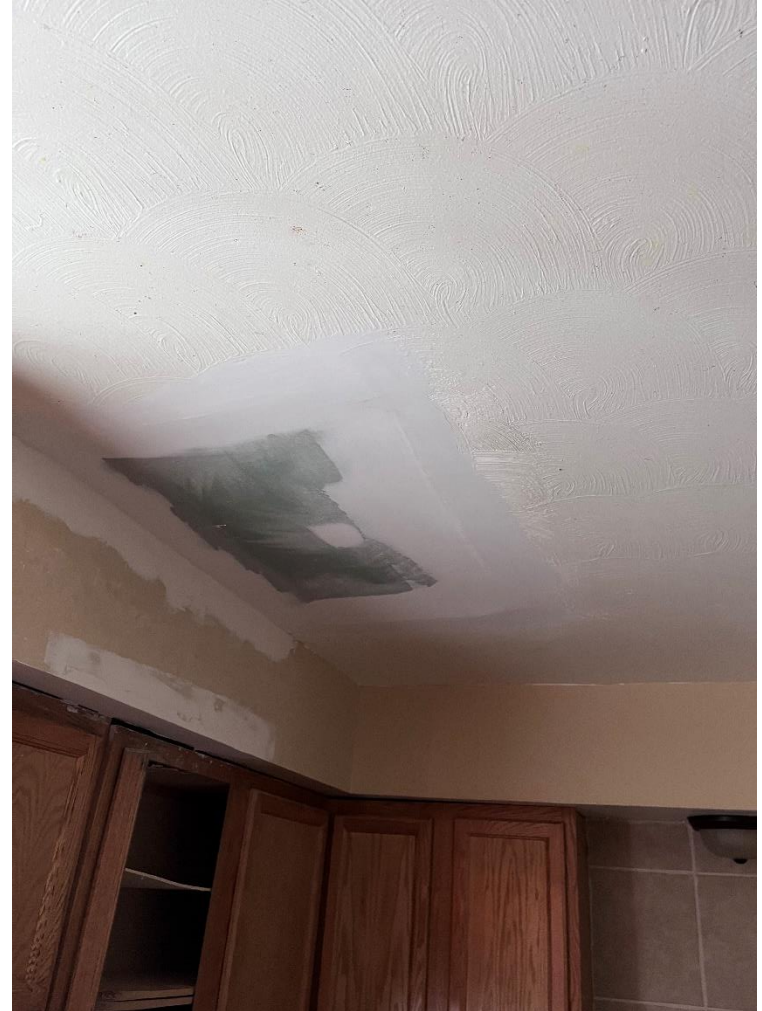
A microscopic image showing numerous circular mold spores, likely Aspergillus, with distinct concentric rings. The spores are densely packed and appear in various shades of green, brown, and grey. The background is a mottled, light-colored surface.

Mold - Indoor Air Quality









UNKEPT POOLS

- Mosquito breeding areas
 - Prevent the spread of Mosquitoborne diseases











Rats, Mice, and Rodents



A photograph showing the base of a wooden dog house. A large, dark, rectangular pile of dirt and debris is situated directly in front of the dog house's entrance. The pile appears to be a collapsed tunnel or a large accumulation of material. To the right of the pile is a chain-link fence, and a yellow hose is visible running along it. The ground is covered with grass, some snow, and fallen brown leaves. The text "Rat tunnels under a dog house" is overlaid in orange on the dirt pile.

Rat tunnels under a dog house



Evidence of rodent activity – “runners”

Evidence of rodents - feces





WHAT'S WRONG WITH THIS PICTURE?

OVER 80 LIVE CATS WERE REMOVED, AND
NUMEROUS DEAD ONES AS WELL.



**You never know what is
behind the door...**



BEDBUGS

Bedbugs do not carry disease and therefore are not a Public Health Nuisance.



OTHER TYPES OF COMPLAINTS INVESTIGATED BY THE STARK COUNTY HEALTH DEPARTMENT



Restaurants

- Illnesses
- Cleanliness







Rodent Droppings





Roach Trap

OTHER TYPES OF COMPLAINTS INVESTIGATED BY THE STARK COUNTY HEALTH DEPARTMENT



Sewage



5,500 gallons
Of sewage pumped
from the basement













PET WASTE





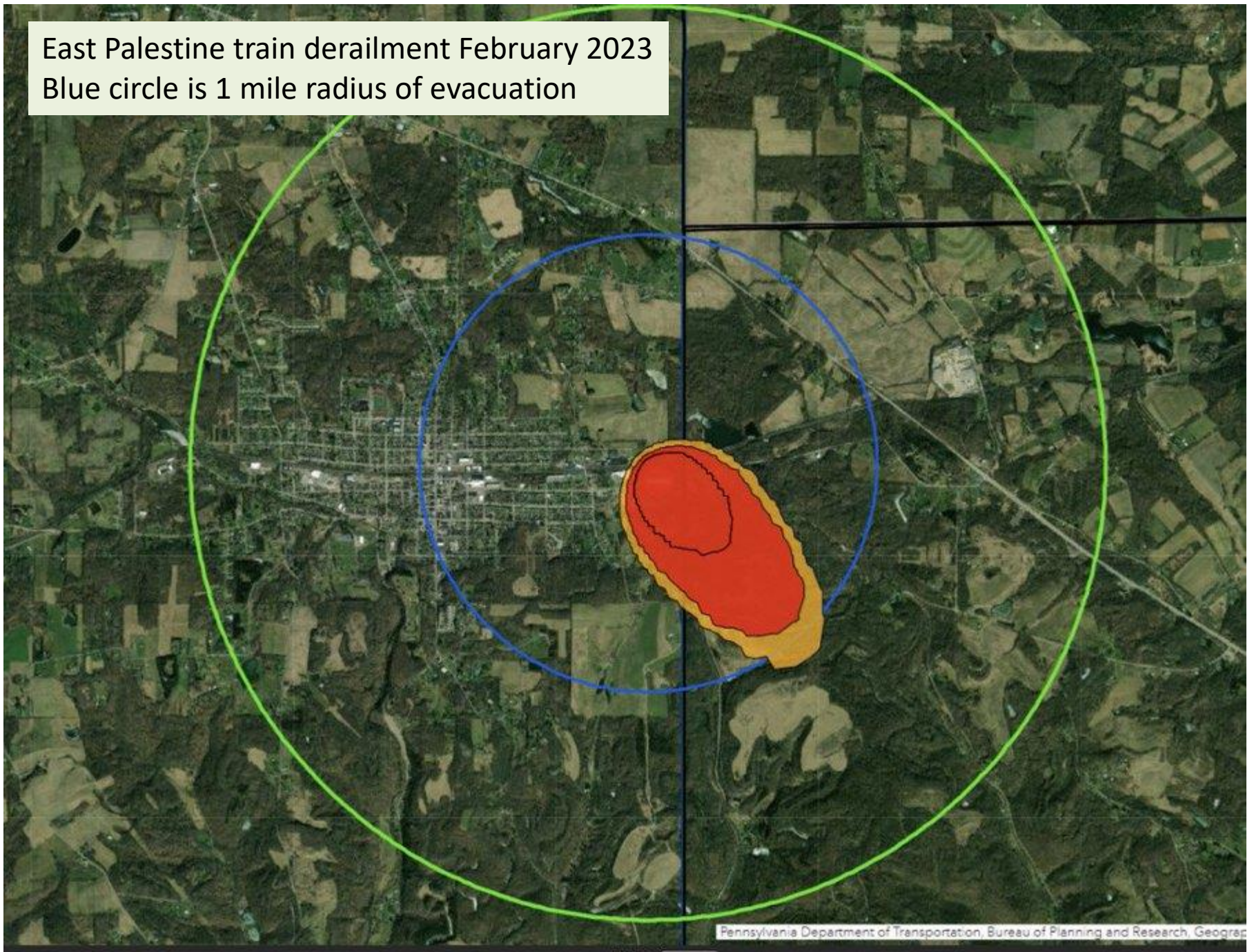


GATX 31202

GATX 31202

MT 10000015 88250102
88250101 300000 AG NEW 8-07

East Palestine train derailment February 2023
Blue circle is 1 mile radius of evacuation







QUESTIONS

