

COMMONWEALTH OF KENTUCKY
CITY OF BEREHA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
212 RICHMOND ROAD, BEREHA,)
KENTUCKY;)
POWELL LESTER; DAVID REED and)
CARLA REED;)
INOPERABLE VEHICLES;)
PARKING LOT VIOLATIONS; and)
VIOLATION OF FIRE CODES)

ORDER

* * * * *

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 212 Richmond Road was in violation of inoperable and/or unlicensed vehicles in parking lot and wash bays containing unused appliances and rubbish, and various violations of fire codes, such as obstructing exits, outdated fire extinguishers, emergency lighting, exit signs, combustible material stored in dryers, propane stored in buckets in closets, exposed wiring, combustible lint and materials behind dryers, service space for electrical panel, extension cords, improper electrical work and missing ceiling tile, which complaint was made by the Code Enforcement Office of the City of Bereha, Building Inspector Amanda Haney, originally on January 8, 2020, this Board held a hearing to determine whether the property is compliant with Bereha City Ordinance, Property Maintenance Code, and NFPA 1.

A hearing was held on this matter before the Code Enforcement Board on February 4, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, Ken Vasey, Terry Bingham and Tom Schultz and James Anderson. Also present was Robin Adams, City Clerk; Jerry W. Gilbert, Corporation Counsel; and Amanda Haney and Anisa Ross of the Code Enforcement Office.

After being duly sworn, Amanda Haney of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of her inspections of the property at 212 Richmond Road. The owners were first notified of the violations in a letter from the Berea Code Enforcement Office dated July 10, 2019. The owners contacted the Code Enforcement Office after receipt and requested additional time to comply. A follow-up inspection was conducted on January 7, 2020 and it was found the violations had not been corrected. Amanda Haney offered photographs which depicted 10 vehicles on inoperable, unlicensed vehicles parked on the premises; unused appliances and rubbish stored in carwash bays; and a camper parked in the grass. It was further shown that an inspection by the Fire Department on December 3, 2019 revealed blocked exits, inadequate fire extinguishers, combustible material stored in dryer and extension cords, which violations had not been corrected as of the Fire Department follow-up inspection on January 29, 2020.

After being duly sworn, David Powell, an owner of the property, testified that all materials stored in the wash bays is metal used in construction and the bays contain no rubbish. He stated that everything stored on the property has a good use and is not junk. That the camper's intended use is a temporary residence at job sites and the van is used to store firewood. Powell further stated that he resides in the upstairs apartment. Powell testified that it would cost thousands of dollars to move all of the items complained of by the City but that he is willing to put up a screen to conceal the items. As to the violations found during the Berea Fire Department inspection, Powell testified that the propane has been put into a safe; that wiring is not spliced; that the dryers are electric and do not use natural gas and the dryers provide a good place to store boxes. The ceiling tile was damaged by racoons that had gotten into the building. Six racoons have been caught and released into the wild, but there remain 2.

Based on the evidence, the Code Enforcement Board makes the following findings of fact:

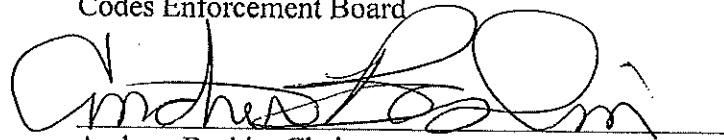
1. The property at 212 Richmond Road is currently in violation of the City's Berea City Ordinance, Property Maintenance Code, and NFPA in that there are inoperable and/or unlicensed vehicles in parking lot; wash bays contain unused appliances and rubbish; there are various violations of fire codes, such as obstructing exits, outdated fire extinguishers, emergency lighting, exit signs, combustible material stored in dryers, propane stored in buckets in closets, exposed wiring, combustible lint and materials behind dryers, service space for electrical panel, extension cords, improper electrical work and missing ceiling tile.

2. Based on the foregoing findings, the Codes Enforcement Board Orders the owner shall have until May 1, 2020 to:

- A. License and/or remove inoperable and/or unregistered vehicles;
- B. Construct screens across the wash bays so as to conceal the materials being stored within;
- C. To correct all deficiencies noted in the December 3, 2019 inspection by the Berea Fire Department; and

3. A fine of \$25 per day from January 3, 2020 until corrected is imposed for each violation. Said fine, however, shall be held in abeyance until May 1, 2020 to allow for all deficiencies to be corrected. In the event the deficiencies have not been corrected by May 1, 2020, the fine of \$25 per day from January 3, 2020 shall be reinstated until all deficiencies are corrected.

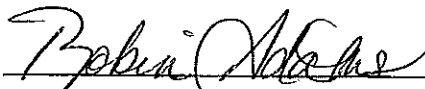
City of Berea
Codes Enforcement Board


Andrew Baskin, Chairman

CERTIFICATE OF SERVICE

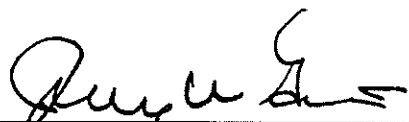
I hereby certify that a true and correct copy of the foregoing Order was mailed to the following on this 18 day of February, 2020:

Powell Lester
David & Carla Reed
100 Oliver Street
Berea, KY 40403



City Clerk

Prepared by:



Jerry W. Gilbert
Corporation Counsel