

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE:

THE MATTER OF)
GLEN IVEY & DOROTHY IVEY)
(Property located at 109 Elm Street)
Berea, Kentucky))

ORDER

This matter came on for hearing before the Code Enforcement Board, upon the issuance of a complaint charging that property at 109 Elm Street was in violation of an accumulation of rubbish or garbage on the property, which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector, Amanda Haney, originally on October 23, 2019 by mailing a notice to the residents. A notice of violation was provided by letter from the Code Enforcement Office dated February 12, 2020 and mailed to the residents and posted directly to the structure.

After receiving numerous complaints from neighbors, the Code Enforcement Office inspected the structure in April, 2020, and found the property to continue to be in violation and on April 27, 2020, mailed a third notice to the residents.

Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with Property Maintenance Code 305.1 and 303.1, and city Ordinance §50.001(B)(12).

A hearing was held on this matter before the Code Enforcement Board on September 22, 2020, at the hour of 6:00 p.m. Board Members present were Andrew Baskin, chair, Ken Vasey, Terry Bingham, Tom Schultz and James Anderson. Also present were Amanda Haney of the Code Enforcement Office, and Robin Adams, City

Clerk, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Amanda Haney, of the City of Berea Code Enforcement Office, offered testimony and a written and photographic record of their inspections of the property at 109 Elm Street, summarized as follows:

In October of 2019, the City of Berea Code Enforcement Office began receiving complaints from neighbors concerning the accumulation of rubbish and garbage on property located at 109 Elm Street. An inspection by the Code Enforcement Office found trash and rubbish in the back yard and notice of violation was delivered by First Class U.S. mail addressed to the residents and by posting notice directly on the structure on October 23, 2019.

Inspection was again conducted in February of 2020, and it was found that no attention had been given the matter and at this time found trash and rubbish in the front and back yards, a truck parked in the front yard with the bed full of trash, a swimming pool in the rear yard filled with stagnant water, and grass and weeds over 10". Notice of violation was again delivered by First Class U.S. mail addressed to the residents and by posting the additional notice directly on the structure on February 12, 2020.

After no action being taken by the residents, on February 26, 2020, the Code Enforcement Office issued a citation in the amount of \$25 per day. As of September 22, 2020, the date of the hearing, the violation had been ongoing for 209 days and the fine would be \$5,225.00.

Based upon the foregoing findings, the Code Enforcement Board concludes as follows:

1. The property at 109 Elm Street is currently in violation of the City's

Ordinance and Property Maintenance Requirements in that there is trash and rubbish spread about the property, a truck parked in the front yard with the bed full of trash, a swimming pool in the rear yard filled with stagnant water, and grass and weeds over 10”;

2. The owners of 109 Elm Street are assessed a fine in the amount of \$5,225.00 as of September 22, 2020, and accruing at the rate of \$25.00 per day until the property is brought into compliance.

3. The owners were given notice of the hearing but did not appear.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board Orders the trash and rubbish be cleared from the property by City employees, that the vehicle be relocated to the driveway and that the grass and weeds be mowed by City employees and that a lien shall be placed on the property for the fine imposed herein and for costs incurred in the clearing and removal of same.

BEREA CODE ENFORCEMENT BOARD

Date: 10-13-2020

By: 
Andrew Baskin, Chair

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or by hand-delivery, on the date set out below.

Date: October 13, 2020

By: 
Robin Adams, City Clerk

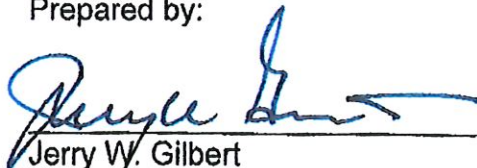
Persons notified by mail:

Glen Ivey & Dorothy Ivey
109 Elm Street
Berea, Kentucky 40403

Person notified by hand-delivery:

Amanda Haney
Code Enforcement Office
City of Berea, KY 40403

Prepared by:



Jerry W. Gilbert
Corporation Counsel