

COMMONWEALTH OF KENTUCKY
CITY OF BEREA
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF:)
)
MONICA SEMONIS and)
ZOLAF SEMONIS)
(Property located at 306 Boone Street,)
Berea, Kentucky))

ORDER

* * * * *

This matter having come on for a hearing before the Code Enforcement Board upon the issuance of a complaint charging that the structure at 306 Boone Street is unfit and unsafe and the grounds constituting a public nuisance, which complaint was made by the Code Enforcement Office of the City of Berea. Code Officer Amanda Haney, originally on July 15, 2020, and subsequent notice date September 25, 2020, both of which alleged that the structure at 306 Boone Street in violation of the Property Maintenance Code, pursuant to Section 70.005(b) and the grounds in violation of Section 50.001 of the Berea City Code this Board held a hearing to determine whether the dwelling is unfit for human habitation and/or dangerous and whether the grounds constituted a nuisance.

A hearing was held on this matter before the Code Enforcement Board on November 10, 2020, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, chair. Ken Vasey, vice chair, 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 the inspections of the dwelling and grounds at 306 Boone Street, summarized as follows:

On July 15, 2020 a Notice of Violation was issued when it appeared there was at least one occupant in the residence at 306 Boone Street with no utility service to the property. Notice was posted on the structure as well as by mailing a copy by 1st class U.S. mail to the owner. No action being taken by the property owner, a follow up notice was sent on September 2, 2020 imposing a fine of \$25 per day and notice was again posted to the structure and a copy sent to the owner by 1st class U.S. mail. To date, there has been no response to the notice, however, it is believed the property is now unoccupied. As of the date of the hearing, the total accrued fine is \$1,175.00.

The grounds of the property are laden with trash and rubbish.

Based on the evidence, the Codes Enforcement Board makes the following Findings of Fact:

1. The owner of the property at 306 Boone Street, Monica Semonis and Zolaf Semonis, were properly notified of the violations and of these proceedings by posting notices of violations inconspicuously on the front door of the property.

2. The structure and untended grounds located at 306 Boone Street are unoccupied and unfit for human occupancy and is in violation of Sections 70.005(b) and 50.001 of the Berea Code.

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

1. The owner of the premises of the structure located at 306 Boone Street is in violation of the aforesaid provisions of the Property Management Code and the lack of service of utilities and garbage and refuse constitute a nuisance.

Based upon the foregoing Findings and Conclusions, it is hereby ORDERED pursuant to Section 70.005 of the Berea City Code, KRS 65.8821, 65.8825, and 65.8828, that the structure at issue located at 306 Boone Street be boarded up to secure the structure and to remove any rubbish.

It is further ORDERED that in the event the owner of the structure at issue located at 306 Boone Street does not board up the structure to secure it and remove the trash and rubbish from the property within the time period ordered herein, the building official shall cause the structure to be secured and trash removed and the total cost of said removal and the fine of \$ 2,175 shall constitute a lien against the real property at 306 Boone Street to be placed on the City's tax books against the property and to be collected and foreclosed upon in the same manner as taxes and tax liens are collected and foreclosed.

BEREA CODE ENFORCEMENT BOARD

Date: 11/17/2020

By: Andrew Baskin
Andrew Baskin, Chairman

CERTIFICATE OF SERVICE

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

Monica Semonis
Zolaf Semonis
306 Boone Street
Berea, KY 40403

Amanda Haney
Code Enforcement Office
City of Berea, Kentucky

Date: 11-19-20

By: Robin Adams
City Clerk

Prepared by:

A handwritten signature in cursive script, appearing to read "Jerry W. Gilbert", written over a horizontal line.

Jerry W. Gilbert
Corporation Counsel